



City Council Agenda

City Manager:

Nancy Newton

City Recorder:

Allyson Pulido
541-726-3700

City Hall
225 Fifth Street
Springfield, Oregon 97477
541-726-3700

Online at www.springfield-or.gov

Mayor

Sean VanGordon

City Council

Michelle Webber, Ward 1

Steve Moe, Ward 2

Kori Rodley, Ward 3

Beth Blackwell, Ward 4

Victoria Doyle, Ward 5

Joe Pishioneri, Ward 6

These meetings will be available via phone, internet using Zoom and in person. Members of the public wishing to attend these meetings electronically can call in or attend virtually by following the directions below. This information can also be found on the City's website.

The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available, as well as an Induction Loop for the benefit of hearing aid users.

To arrange for these services, call 541-726-3700.

Meetings will end prior to 10:00 p.m. unless extended by a vote of the Council.

All proceedings before the City Council are recorded.

December 2, 2024
Monday

5:30 p.m. Work Session
Council Meeting Room
or

Virtual Attendance

Registration Required:

Attend from your computer, tablet or smartphone:

Zoom

Meeting ID: 547 477 7611

https://us06web.zoom.us/webinar/register/WN_NI3X4N5LRDSxopC8o8j-PA

To dial in using your phone in Listen Only Mode:

Dial 1 (971) 247-1195

Toll Free 1 (877) 853-5247

Oregon Relay/TTY: 711 or 800-735-1232

(Council work sessions are reserved for discussion between Council, staff and consultants; therefore, Council will not receive public input during work sessions. Opportunities for public input are given during all regular Council meetings)

CALL TO ORDER

ROLL CALL -- Mayor VanGordon ___, Councilors Webber ___, Moe ___, Rodley ___, Blackwell ___, Doyle ___, and Pishioneri ___.

1. Springfield Utility Board 2024 Update
[Nancy Newton and Jeff Nelson] (20 mins)
2. P41044 - 42nd Street Levee Project Update
[Ken Vogeney] (20 mins)
3. Climate Friendly & Equitable Communities -- 2015 Scenario Plan Performance Measures
[Drew Larson] (20 mins)

4. Council Appointed Employee Compensation (2024)
[Candace Steffen}

(30 mins)

ADJOURNMENT

7:00 p.m. Regular Meeting
Council Meeting Room
or
Virtual Attendance
Registration Required:
Attend from your computer, tablet or smartphone:
Zoom
Meeting ID: 847 4777 7611
https://us06web.zoom.us/webinar/register/WN_NI3X4N5LRDSxopC8o8j-PA
To dial in using your phone in Listen Only Mode:
Dial 1 (971) 247-1195
Toll Free 1 (877) 853-5247
Oregon Relay/TTY: 711 or 800-735-1232

CALL TO ORDER

ROLL CALL -- Mayor VanGordon ____, Councilors Webber ____, Moe ____, Rodley ____, Blackwell ____, Doyle ____, and Pishioneri ____.

PLEDGE OF ALLEGIANCE

SPRINGFIELD UPBEAT

CONSENT CALENDAR

1. **Claims**
2. **Minutes**
3. **Resolutions**
 - a. Contracts over Winter Recess
 - b. Oregon National Flood Insurance Program-Endangered Species Act Integration/ Pre-implementation Compliance Measures (PICM)
4. **Ordinances**
 - a. Comcast Franchise Extension
5. **Other Routine Matters**
 - a. Liquor license application for a change of ownership for Squacho's Chili & Nachos LLC, DBA: Squacho's Bar & Grill.
 - b. Liquor license application for a new license for Oakshire Inc., DBA: Oakshire Commons.
 - c. Planning Commission Appointment

MOTION: APPROVE/REJECT THE CONSENT CALENDAR

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS - Please limit comments to 3 minutes. Request to speak cards are available at the entrance. Please present cards to City Recorder. Speakers may not yield their time to others.

1. Public Hearing On Update Of Planning Application Fees
[Mark Rust] (20 mins)

MOTION: ADOPT/NOT ADOPT A RESOLUTION TO IMPLEMENT NEW FEES.

BUSINESS FROM THE AUDIENCE - Limited to 20 minutes. Please limit comments to 3 minutes. Request to speak cards are available at the entrance. Please present cards to City Recorder. Speakers may not yield their time to others.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

BIDS

ORDINANCES

RESOLUTIONS

BUSINESS FROM THE CITY COUNCIL

1. Council Appointed Employee Compensation (2024)
[Candace Steffen] (10 mins)

BUSINESS FROM THE CITY MANAGER

1. Lease Review and Decision- 325 N Brooklyn Street
[Niel Laudati] (5 mins)

MOTION: Authorize/not authorize the City Manager to enter into a lease agreement with tenant at 325 N Brooklyn Street for a one-year term at \$3,000 per month.

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Work Session
	Staff Contact/Dept:	Nancy Newton/City Manager's Office
	Staff Phone No:	
	Estimated Time:	20 Minutes
	Council Goals:	Financially Responsible and Stable Government Services

ITEM TITLE:

Springfield Utility Board 2024 Update

ACTION REQUESTED:

No action is requested of the City Council. Because Section 46 of the Charter does not specify the manner by which the SUB annual report is made, the Council may want to advise staff on the method for future annual reports such as a work session or a written report submitted from SUB to Council.

ISSUE STATEMENT:

The City of Springfield Charter, Chapter XI establishes the functions, members, powers, rules, and regulations for the Springfield Utility Board. Chapter XI, Section 46 describes the Springfield Utility Board (SUB) relationship to the City of Springfield Council.

Section 46 states that "The Utility Board shall make an annual report to the Common Council of the City of Springfield, which report shall include an annual audit certified to by a Certified Public Accountant." The purpose of this presentation is to fulfill this provision of the City of Springfield Charter.

DISCUSSION/FINANCIAL IMPACT:

There is no financial impact with this item. The discussion for Council would be any questions or issues Council may have regarding the SUB annual audit.

Attachments

1. SUB PowerPoint Presentation
2. 2023 Springfield Utility Board Independent Auditor Report

Springfield Utility Board

Annual Report to the City of Springfield City
Council

December 2, 2024



Springfield Utility Board

- 33,467 Electric Customers
- 21,785 Water Customers
- 150 Full Time Equivalent Employees
- American Public Power Association (APPA) **Reliable Public Power** (RP3) Designation: A peer-reviewed national award earned by public utilities exhibiting excellence in reliability, safety, workplace development and system improvement.
- American Public Power Association's **Certificate of Excellence in Reliability** Designation: APPA helps electric utilities track power outage and restoration data through its independent tracking service.
- Oregon Health Authority (OHA) **Outstanding Water Performer** Designation: This distinction is conferred on water utilities that pass OHA's rigorous review of the provider's water sources, treatment procedures, storage facilities and distribution systems.
- <https://www.subutil.com/about-us/about-sub/>

Springfield Utility Board – Board Members

- Springfield Utility Board consists of five elected Board members
 - David Willis, Board Chair
 - Terri Dillon, Board Vice-Chair
 - John DeWenter
 - Ryan Thomas
 - Bruce Webber
- SUB Board Liaison to the City Council – Bruce Webber
- Springfield Utility Board Regular Board meetings are held at 6:00pm on the second Wednesday of each month in SUB's Board Room located at 223 A Street, Suite F
- <https://www.subutil.com/about-us/about-sub/board-bios/>

Springfield Utility Board Mission and Vision

- The ***Mission*** of the Springfield Utility Board is to provide safe, reliable, cost-effective utility services to the residents and businesses of Springfield.
- Springfield Utility Board's ***Vision*** is to be the trusted and valued provider of excellent utility services in Springfield, empowering our community to thrive.

Springfield Utility Board Core Values

- **Integrity** - *We are honest, transparent and trustworthy, and we do what we say we will do*
- **Excellence** - *We are competent and hardworking, and we encourage creativity, innovation and continuous improvement in the pursuit of excellence*
- **Respect** - *We are respectful and considerate toward others, and we treat others fairly*
- **Accountability** - *Each of us is responsible for contributing to the fulfillment of our Mission, Vision and Values*
- **Teamwork** - *We are one team, diverse and inclusive, achieving common goals and celebrating accomplishments*
- **Engagement** - *We are responsive to the community on utility issues that affect Springfield*
- **Stewardship** - *We are committed to leaving a legacy that ensures Springfield has clean, ample water for drinking and fire protection, and electricity that is safe and reliable, now and into the future*

Springfield Utility Board Audit (Calendar Year 2023)

Overview

- SUB's 2023 Audit was completed by Moss-Adams LLP and presented to the Board of Directors on July 10, 2024
- SUB received an *Unmodified Opinion* on the 2023 Audit
 - Unmodified Opinion: the auditor concludes that the financial statements of a given entity are presented fairly, in all material respects, in accordance with generally accepted accounting principles.
 - During the audit process, one initial finding was addressed. A contractor payment was incorrectly recorded as contractor-installed value on a job order. As a result, an adjustment of \$1.9 million was made to the Water division's utility plant. To prevent a recurrence of this error, changes have been implemented in the job closing and documentation process.
 - The full audit was provided for your packet.

Springfield Utility Board Audit (Calendar Year 2023) Net Position

December 31, 2023

	Combined	Electric Utility	Water Utility
ASSETS AND DEFERRED OUTFLOWS OF RESOURCES			
UTILITY PLANT	226,103,809	106,792,317	119,311,492
CURRENT ASSETS	70,705,129	48,599,589	22,105,540
OTHER NONCURRENT ASSETS	-	-	-
DEFERRED OUTFLOW OF RESOURCES	2,826,929	2,233,274	593,655
Total Assets and deferred outflows of resources	299,635,867	157,625,180	142,010,687
NET POSITION, LIABILITIES AND DEFERRED INFLOWS OF RESOURCES			
NET POSITION	270,784,985	146,288,640	124,496,345
CURRENT LIABILITIES	15,602,636	12,567,143	3,035,493
NONCURRENT LIABILITIES	8,314,642	6,568,567	1,746,075
DEFERRED INFLOWS OF RESOURCES	4,933,604	3,897,547	1,036,057
Total Net Position and liabilities and deferred inflows of resources	299,635,867	169,321,897	130,313,970

SUB Financial Highlights

- In 2023, SUB generated an operating income of \$16.8 million and a \$23 million increase to net position.
- As of December 31, 2023, the combined Utility has invested \$338.0 million in plant in service and construction work in progress. Utility plant in service increased by \$17.2 million in 2023.
- SUB's combined current assets increased \$14.2 million, primarily due to an increase in cash and cash equivalents and increase in materials and supplies due to cost and quantity increases.

Items of Interest to the Council

- SUB pays ~\$2,800,000 annually to the City in In-Lieu-of-Tax (ILOT) payments
- SUB provides billing services for City wastewater and stormwater bills (for a fee). SUB charged \$534,174 on billed sewer and stormwater fees of \$24,442,613 in 2023

SUB Future Borrowing Plans

- SUB’s ten-year plan includes the construction of a new water treatment facility, the McKenzie Water Treatment Plant, which will require significant capital investment over the next five years.
- SUB plans to collaborate with a financial advisor to identify the most cost-effective approach for securing the necessary funds. SUB’s strategy may involve a combination of State and federal special loans, bank financing, and/or revenue bonds.

McKenzie Water Treatment Plant

Cost Estimate

2024	\$	10,000,000
2025	\$	7,000,000
2026	\$	38,800,000
2027	\$	38,600,000
2028	\$	20,400,000
2029	\$	200,000
<hr/>		
Total	\$	115,000,000

The background of the slide features a blue-tinted photograph of several high-voltage power lines stretching across the frame. The lines are supported by tall wooden poles. In the distance, a range of dark, silhouetted mountains is visible against a lighter sky. The overall color palette is dominated by various shades of blue and teal.

Questions?



Report of Independent Auditors and
Financial Statements with
Supplementary Information

Springfield Utility Board

December 31, 2023 and 2022



MOSSADAMS

Table of Contents

	Page
Board of Directors and Administrative Staff	1
Report of Independent Auditors	2
Management's Discussion and Analysis	6
Financial Statements	
Statements of Net Position	12
Statements of Revenues, Expenses, and Changes in Net Position	14
Statements of Cash Flows	15
Notes to Financial Statements	17
Required Supplementary Information	
Schedule of Changes in Employer's Total OPEB Liability and Related Ratios	32
Audit Comments	31
Report of Independent Auditors on Compliance and on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Oregon Auditing Standards	34

Springfield Utility Board
Board of Directors and Administrative Staff
December 31, 2023

BOARD OF DIRECTORS

<u>Name</u>	<u>Position</u>	<u>Term Expires</u>
Mr. John DeWenter	Member	12/31/26
Mr. Michael Eyster	Member	12/31/26
Mr. David Willis	Vice Chair	12/31/24
Ms. Terri Dillon	Member	12/31/26
Mr. Mark A. Molina	Chair	12/31/24

ADMINISTRATIVE STAFF

Mr. Jeff Nelson	General Manager
Ms. Cynthia Scoble	Director of Finance and Information Services
Mr. Sanjeev King	Director of Engineering and Operations – Electric
Mr. Greg Miller	Director of Engineering and Operations – Water

BOARD ADDRESS

Springfield Utility Board
250 A Street, PO Box 300
Springfield, OR 97477

Report of Independent Auditors

The Board of Directors
Springfield Utility Board

Report on the Audit of the Financial Statements

Opinion

We have audited the financial statements of Springfield Utility Board (the Utility), which comprise the electric utility, water utility, and total utilities statements of net position as of December 31, 2023 and 2022, and the related statements of revenues, expenses and changes in net position and cash flows for the years then ended, and the related notes to the financial statements.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Utility as of December 31, 2023 and 2022, and the results of their operations and their cash flows for the years then ended, in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Utility and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Utility's ability to continue as a going concern within one year after the date that the financial statements are issued.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Utility's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Utility's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matter

Accounting principles generally accepted in the United States of America require that the accompanying management discussion and analysis on pages 6 through 10 and certain information related to other postemployment benefits on page 32 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Report on Other Legal and Regulatory Requirements

In accordance with the Minimum Standards of Auditors of Oregon Municipal Corporations, we have issued our report dated August 28, 2024, on our consideration of the Utility's compliance with certain provisions of laws and regulations, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules. The purpose of that report is to describe the scope of our testing of compliance and the results of that testing and not to provide an opinion on compliance.

A handwritten signature in cursive script that reads "Moss Adams LLP".

Portland, Oregon

August 28, 2024

Management's Discussion and Analysis

Springfield Utility Board Management's Discussion and Analysis

Springfield Utility Board (SUB or Utility) is Oregon's second largest municipal utility and distributes electricity and water to approximately 32,000 customers. This discussion and analysis of Springfield Utility Board's financial performance provides an overview of SUB's financial activities for the calendar year ended December 31, 2023. Please read it in conjunction with the financial statements, which begin on page 12.

2023 SUB Continues a Strong Financial Position

SUB continued a strong financial position through 2023. SUB made large contributions to its net position and, while continuing to be debt free, was able to maintain very competitive rates and a very strong cash position.

The total utility has a combined working capital (current assets less current liabilities) of \$55.1 million at the end of 2023. This is compared to combined working capital of \$42.6 million at the end of 2022 and \$40.3 million at the end of 2021.

In 2023, SUB's electric rates increased 3% and water rates increased by 8%.

- SUB has one of the lowest rate structures in the Pacific Northwest.
- In 2023, SUB's Electric Utility generated an operating income of \$9.9 million and a \$13.3 million increase to net position. The Water Utility generated \$6.9 million in operating income and a \$9.7 million increase in net position.
- As of December 31, 2023, the combined Utility has invested \$338.0 million in plant in service and construction work in progress.
- SUB is debt free.

A Word About Judging a Utility's Financial Performance

A municipal utility's financial performance can be judged by several factors. Low rates for electricity and water is one of the most visible factors to customers. Other factors to consider are additions to the production and delivery systems (plant) and debt taken on to fund operations and plant additions. SUB as a whole is debt free.

- In 2023, the Electric Utility loaned the Water Utility \$12,000,000. The balance was borrowed for the Water Utility to pay for upcoming engineering expenses in future years. The loan bears interest at a variable rate of 4.63% as of December 31, 2023; the rate is set forth by the State Pool Fund and will be adjusted on an annual basis.
- SUB purchases all the power sold to Springfield customers from Bonneville Power Administration (BPA). SUB is not subject to the risk and volatility of purchasing power on the open market.

Springfield Utility Board

Management's Discussion and Analysis

Financial Highlights

- Electric Utility plant in service increased by \$6.5 million in 2023. The Water Utility plant in service increased by \$10.7 million.
- SUB's combined current assets increased \$14.2 million primarily due to increase in cash and cash equivalents and increase in materials and supplies due to cost increases and increases in quantities. Long-term debt due to outside parties remained zero.
- Fiscal year 2023 net position increased by \$23.0 million. Fiscal year 2022 net position increased by \$15.7 million. For 2021, net position increased by \$14.9 million.
- SUB's purchased power cost for 2023 was \$27.7 million. For 2022, purchased power cost was \$32.8 million. For 2021, purchased power cost was \$32.9 million.
- SUB's purchased water cost for 2023 was \$0.9 million. For 2022, purchased water cost was \$0.8 million. For 2021, purchased water cost was \$0.7 million.

Using This Annual Report

This annual report consists of a series of financial statements. The statements of net position provide information about SUB as a whole and present a view of SUB's assets and deferred outflows of resources, liabilities and deferred inflows of resources, and net position (assets less liabilities and deferred inflows of resources). The statements of revenues, expenses, and changes in net position measure the success of SUB's operations. The statements of cash flows' primary purpose is to provide information about SUB's cash receipts and cash payments during the reporting periods.

Springfield Utility Board Management's Discussion and Analysis

Statements of net position – To begin our analysis, a summary of the Utility's combined statements of net position is presented below:

	2023 Total	2022 Total	2021 Total
ASSETS AND DEFERRED OUTFLOWS			
Utility plant	\$ 226,103,809	\$ 212,540,440	\$ 198,993,804
Current assets	70,705,129	56,499,839	54,651,975
Other assets and long-term investments	-	3,206,070	3,326,120
Deferred outflows of resources	2,826,929	2,453,137	2,502,319
	<u>2,826,929</u>	<u>2,453,137</u>	<u>2,502,319</u>
Total assets and deferred outflows	<u>\$ 299,635,867</u>	<u>\$ 274,699,486</u>	<u>\$ 259,474,218</u>
LIABILITIES AND DEFERRED INFLOWS			
Current liabilities	\$ 15,602,636	\$ 13,907,658	\$ 14,304,334
Noncurrent liabilities	8,314,642	7,901,864	11,756,578
Deferred inflows of resources	4,933,604	5,136,475	1,341,311
	<u>4,933,604</u>	<u>5,136,475</u>	<u>1,341,311</u>
Total liabilities and deferred inflows	<u>28,850,882</u>	<u>26,945,997</u>	<u>27,402,223</u>
NET POSITION			
Net investment in capital assets	226,103,809	212,540,440	198,993,804
Unrestricted	44,681,176	35,213,049	33,078,191
	<u>44,681,176</u>	<u>35,213,049</u>	<u>33,078,191</u>
Total net position	<u>270,784,985</u>	<u>247,753,489</u>	<u>232,071,995</u>
Total liabilities and deferred inflows of resources and net position	<u>\$ 299,635,867</u>	<u>\$ 274,699,486</u>	<u>\$ 259,474,218</u>

- Net position of SUB's Electric Utility increased by \$13.3 million from 2022 to 2023. The net position of SUB's Water Utility increased by \$9.7 million from 2022 to 2023.
- Fiscal year 2023 and 2022 net position for the combined utilities increased by \$23.0 million and \$15.7 million, respectively.

Springfield Utility Board

Management's Discussion and Analysis

Statements of revenues, expenses, and changes in net position –

	2023 Total	2022 Total	2021 Total
OPERATING REVENUES			
Sales of energy and water	\$ 74,350,804	\$ 71,934,221	\$ 69,554,184
Other income	3,575,413	3,832,963	3,846,123
Total operating revenues	<u>77,926,217</u>	<u>75,767,184</u>	<u>73,400,307</u>
OPERATING EXPENSES			
Purchases of power and water	28,559,024	33,572,384	33,630,285
Operations and maintenance	<u>32,621,736</u>	<u>32,468,949</u>	<u>29,282,971</u>
Total operating expenses	<u>61,180,760</u>	<u>66,041,333</u>	<u>62,913,256</u>
OPERATING INCOME	16,745,457	9,725,851	10,487,051
Total nonoperating revenues	<u>2,168,791</u>	<u>541,545</u>	<u>253,539</u>
INCOME BEFORE CONTRIBUTED CAPITAL			
CAPITAL	18,914,248	10,267,396	10,740,590
Contributed capital	<u>4,117,248</u>	<u>5,414,098</u>	<u>4,131,422</u>
CHANGES IN NET POSITION	<u>\$ 23,031,496</u>	<u>\$ 15,681,494</u>	<u>\$ 14,872,012</u>

- The Electric Utility operating revenues are up \$0.1 million in 2023. This can be attributed a rate increase of 3% during 2023. The net position increased by \$13.3 million in 2023.
- The Water Utility operating revenues increased \$2.0 million mainly due to a rate increase of 8%. The net position increased by \$9.7 million in 2022.
- SUB is on a “pay-as-you-go” basis for funding the post-employment benefit plan. The outgoing cash flows will only be the current year’s payments to the benefit plan participants. SUB is under no obligation and has no intention of prospectively funding this liability.

Capital assets – As of December 31, 2023, SUB has invested \$338.0 million in capital assets, including power distribution facilities and water production and distribution facilities. During 2023, the Electric and Water Utilities made \$19.2 million in improvements to their delivery systems.

Springfield Utility Board

Management's Discussion and Analysis

As of December 31, 2022, SUB has invested \$318.8 million in capital assets, including power distribution facilities and water production and distribution facilities. During 2022, the Electric and Water Utilities made \$19.9 million in improvements to their delivery systems.

	2023 Total	2022 Total	2021 Total
UTILITY PLANT			
Plant in service	\$ 318,883,952	\$ 301,664,928	\$ 287,104,241
Construction work-in-progress	19,070,603	17,087,223	11,774,300
	337,954,555	318,752,151	298,878,541
Accumulated depreciation and amortization	(111,850,746)	(106,211,711)	(99,884,737)
Total utility plant	<u>\$ 226,103,809</u>	<u>\$ 212,540,440</u>	<u>\$ 198,993,804</u>

Debt administration –

In 2023, the Electric Utility loaned the Water Utility \$12,000,000. The balance was borrowed for the Water Utility to pay for upcoming engineering expenses in future years. The amount owed to the Electric Utility was \$11.7 million and \$0 thousand at the end of 2023 and 2022, respectively. This transaction makes SUB as a whole debt free.

Financial Statements

Springfield Utility Board
Statements of Net Position
December 31, 2023 and 2022

ASSETS AND DEFERRED OUTFLOWS OF RESOURCES

	Electric Utility		Water Utility		Eliminations		Total Utilities	
	2023	2022	2023	2022	2023	2022	2023	2022
UTILITY PLANT								
Plant in service	\$ 163,202,537	\$ 156,685,974	\$ 155,681,415	\$ 144,978,954	\$ -	\$ -	\$ 318,883,952	\$ 301,664,928
Accumulated depreciation and amortization	(69,050,980)	(66,156,894)	(42,799,766)	(40,054,817)	-	-	(111,850,746)	(106,211,711)
Construction work-in-progress	12,640,760	11,782,688	6,429,843	5,304,535	-	-	19,070,603	17,087,223
Total utility plant, net	106,792,317	102,311,768	119,311,492	110,228,672	-	-	226,103,809	212,540,440
CURRENT ASSETS								
Cash and cash equivalents	25,445,949	26,772,724	13,167,423	1,571,775	-	-	38,613,372	28,344,499
Designated cash equivalents	-	-	1,263,298	954,739	-	-	1,263,298	954,739
Short-term investments	12,426,264	9,481,028	2,205,266	1,760,433	-	-	14,631,530	11,241,461
Accounts receivable, net	6,463,038	7,019,224	2,192,817	2,075,444	-	-	8,655,855	9,094,668
Notes receivable – water, current portion	199,424	-	-	-	(199,424)	-	-	-
Other receivables	734,711	369,402	91,576	65,064	-	-	826,287	434,466
Materials and supplies	3,179,041	3,072,953	2,999,665	2,709,771	-	-	6,178,706	5,782,724
Other assets	350,586	513,325	185,495	133,957	-	-	536,081	647,282
Total current assets	48,799,013	47,228,656	22,105,540	9,271,183	(199,424)	-	70,705,129	56,499,839
OTHER NONCURRENT ASSETS								
Long-term investments	-	2,799,876	-	406,194	-	-	-	3,206,070
Notes receivable – water	11,497,293	-	-	-	(11,497,293)	-	-	-
Total noncurrent assets	11,497,293	2,799,876	-	406,194	(11,497,293)	-	-	3,206,070
DEFERRED OUTFLOW OF RESOURCES								
Deferred outflows for other post employment benefits	2,233,274	1,937,979	593,655	515,158	-	-	2,826,929	2,453,137
Total assets and deferred outflows of resources	\$ 169,321,897	\$ 154,278,279	\$ 142,010,687	\$ 120,421,207	\$ (11,696,717)	\$ -	\$ 299,635,867	\$ 274,699,486

See accompanying notes.

Springfield Utility Board

Statements of Net Position

December 31, 2023 and 2022

NET POSITION, LIABILITIES AND DEFERRED INFLOWS OF RESOURCES

	Electric Utility		Water Utility		Eliminations		Total Utilities	
	2023	2022	2023	2022	2023	2022	2023	2022
NET POSITION								
Net investment in capital assets	\$ 106,792,317	\$ 102,311,768	\$ 107,614,775	\$ 110,228,672	\$ 11,696,717	\$ -	\$ 226,103,809	\$ 212,540,440
Unrestricted	39,496,323	30,640,626	16,881,570	4,572,423	(11,696,717)	-	44,681,176	35,213,049
Total net position	146,288,640	132,952,394	124,496,345	114,801,095	-	-	270,784,985	247,753,489
CURRENT LIABILITIES								
Current maturities of long-term debt	-	-	199,424	-	(199,424)	-	-	-
Accounts payable	6,810,165	6,467,763	1,585,806	1,529,364	-	-	8,395,971	7,997,127
Accrued payroll and related liabilities	1,229,780	1,213,355	611,697	585,663	-	-	1,841,477	1,799,018
Accrued compensated absences	1,566,621	1,518,398	788,498	703,122	-	-	2,355,119	2,221,520
Unearned revenue	1,575,060	413,733	43,492	59,912	-	-	1,618,552	473,645
Customer deposits	1,385,517	1,412,348	6,000	4,000	-	-	1,391,517	1,416,348
Total current liabilities	12,567,143	11,025,597	3,234,917	2,882,061	(199,424)	-	15,602,636	13,907,658
NONCURRENT LIABILITIES								
Total OPEB liability	6,568,567	6,242,473	1,746,075	1,659,391	-	-	8,314,642	7,901,864
Long-term debt, net of current maturities	-	-	11,497,293	-	(11,497,293)	-	-	-
Total noncurrent liabilities	6,568,567	6,242,473	13,243,368	1,659,391	(11,497,293)	-	8,314,642	7,901,864
DEFERRED INFLOWS OF RESOURCES								
Deferred inflows for other post employment benefits	3,897,547	4,057,815	1,036,057	1,078,660	-	-	4,933,604	5,136,475
Total net position and liabilities and deferred inflows of resources	\$ 169,321,897	\$ 154,278,279	\$ 142,010,687	\$ 120,421,207	\$ (11,696,717)	\$ -	\$ 299,635,867	\$ 274,699,486

See accompanying notes.

Springfield Utility Board
Statements of Revenues, Expenses, and Changes in Net Position
Years Ended December 31, 2023 and 2022

	Electric Utility		Water Utility		Eliminations		Total Utilities	
	2023	2022	2023	2022	2023	2022	2023	2022
OPERATING REVENUES								
Sales of energy	\$ 56,992,240	\$ 56,516,491	\$ -	\$ -	\$ -	\$ -	\$ 56,992,240	\$ 56,516,491
Sales of water	-	-	17,358,564	15,417,730	-	-	17,358,564	15,417,730
Other	3,133,780	3,500,046	441,633	332,917	-	-	3,575,413	3,832,963
Total operating revenues	60,126,020	60,016,537	17,800,197	15,750,647	-	-	77,926,217	75,767,184
OPERATING EXPENSES								
Purchased power	27,683,613	32,801,834	-	-	-	-	27,683,613	32,801,834
Purchased water	-	-	875,411	770,550	-	-	875,411	770,550
Operations and maintenance	7,190,994	6,076,951	5,336,314	6,072,902	-	-	12,527,308	12,149,853
Customer accounting, collection, and conservation	5,018,114	5,264,176	930,225	921,561	-	-	5,948,339	6,185,737
Administrative and general	3,630,098	3,632,620	619,438	842,838	-	-	4,249,536	4,475,458
Depreciation	3,524,923	3,424,626	3,166,297	3,066,022	-	-	6,691,220	6,490,648
Amortization of software	70,893	72,416	21,423	24,875	-	-	92,316	97,291
Contributions in lieu of taxes	3,113,017	3,069,962	-	-	-	-	3,113,017	3,069,962
Total operating expenses	50,231,652	54,342,585	10,949,108	11,698,748	-	-	61,180,760	66,041,333
OPERATING INCOME	9,894,368	5,673,952	6,851,089	4,051,899	-	-	16,745,457	9,725,851
NONOPERATING REVENUES (EXPENSES)								
Interest income	1,883,349	395,684	441,943	104,111	(220,800)	(4,021)	2,104,492	495,774
Interest expense	(2,734)	(7)	(220,800)	(4,021)	220,800	4,021	(2,734)	(7)
Gain on disposal of assets	18,753	27,730	48,280	18,048	-	-	67,033	45,778
Total nonoperating revenues (expense)	1,899,368	423,407	269,423	118,138	-	-	2,168,791	541,545
INCOME BEFORE CONTRIBUTED CAPITAL	11,793,736	6,097,359	7,120,512	4,170,037	-	-	18,914,248	10,267,396
CONTRIBUTED CAPITAL	1,542,510	1,327,049	2,574,738	4,087,049	-	-	4,117,248	5,414,098
CHANGES IN NET POSITION	13,336,246	7,424,408	9,695,250	8,257,086	-	-	23,031,496	15,681,494
NET POSITION, beginning of year	132,952,394	125,527,986	114,801,095	106,544,009	-	-	247,753,489	232,071,995
NET POSITION, end of year	\$ 146,288,640	\$ 132,952,394	\$ 124,496,345	\$ 114,801,095	\$ -	\$ -	\$ 270,784,985	\$ 247,753,489

See accompanying notes.

Springfield Utility Board

Statements of Cash Flows

Years Ended December 31, 2023 and 2022

	Electric Utility		Water Utility		Eliminations		Total Utilities	
	2023	2022	2023	2022	2023	2022	2023	2022
CASH FLOWS FROM OPERATING ACTIVITIES								
Receipts from customers	\$ 58,709,753	\$ 56,297,969	\$ 17,226,771	\$ 15,338,887	\$ -	\$ -	\$ 75,936,524	\$ 71,636,856
Other receipts	2,969,027	3,696,762	468,434	299,711	-	-	3,437,461	3,996,473
Power purchases	(28,000,899)	(33,540,858)	-	-	-	-	(28,000,899)	(33,540,858)
Payments to suppliers and vendors	(4,821,531)	(5,735,904)	(2,855,530)	(5,359,132)	-	-	(7,677,061)	(11,095,036)
Payments to employees	(10,392,988)	(9,538,045)	(5,113,854)	(4,472,831)	-	-	(15,506,842)	(14,010,876)
Contributions in lieu of taxes	(3,113,017)	(3,069,962)	-	-	-	-	(3,113,017)	(3,069,962)
Net cash from operating activities	15,350,345	8,109,962	9,725,821	5,806,635	-	-	25,076,166	13,916,597
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES								
Construction and acquisition of utility plant	(7,890,534)	(9,746,375)	(10,933,190)	(7,048,470)	-	-	(18,823,724)	(16,794,845)
Proceeds from sales of utility plant	18,753	27,730	48,280	18,048	-	-	67,033	45,778
Interest paid	(2,734)	(7)	(220,800)	(4,021)	220,800	4,021	(2,734)	(7)
Borrowings on long-term debt	-	-	12,000,000	-	(12,000,000)	-	-	-
Cash paid for principal payments on long-term debt	-	-	(303,283)	-	303,283	-	-	-
Contributed capital	1,356,679	963,906	1,237,388	1,110,462	-	-	2,594,067	2,074,368
Net cash from (used in) capital and related financing activities	(6,517,836)	(8,754,746)	1,828,395	(5,923,981)	(11,475,917)	4,021	(16,165,358)	(14,674,706)
CASH FLOWS FROM INVESTING ACTIVITIES								
Cash received for payment on water utility debt	303,283	-	-	-	(303,283)	-	-	-
Proceeds from issuance of notes receivable	(12,000,000)	-	-	-	12,000,000	-	-	-
Purchase of investments and proceeds from maturities of investments	2,799,876	60,942	406,194	59,108	-	-	3,206,070	120,050
Redemption of temporary cash investments with original maturities greater than three months	(2,945,236)	(1,700,698)	(444,833)	(494,993)	-	-	(3,390,069)	(2,195,691)
Interest received on investments	1,682,793	391,121	388,630	102,898	(220,800)	(4,021)	1,850,623	489,998
Net cash from (used in) investing activities	(10,159,284)	(1,248,635)	349,991	(332,987)	11,475,917	(4,021)	1,666,624	(1,585,643)
NET CHANGE IN CASH AND CASH EQUIVALENTS	(1,326,775)	(1,893,419)	11,904,207	(450,333)	-	-	10,577,432	(2,343,752)
CASH AND CASH EQUIVALENTS, beginning of year	26,772,724	28,666,143	2,526,514	2,976,847	-	-	29,299,238	31,642,990
CASH AND CASH EQUIVALENTS, end of year	<u>\$ 25,445,949</u>	<u>\$ 26,772,724</u>	<u>\$ 14,430,721</u>	<u>\$ 2,526,514</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 39,876,670</u>	<u>\$ 29,299,238</u>
NONCASH CAPITAL ACTIVITY								
Plant assets contributed by a developer	\$ 185,831	\$ 363,143	\$ 1,337,350	\$ 2,976,587	\$ -	\$ -	\$ 1,523,181	\$ 3,339,730

See accompanying notes.

Springfield Utility Board
Statements of Cash Flows
Years Ended December 31, 2023 and 2022

	Electric Utility		Water Utility		Eliminations		Total Utilities	
	2023	2022	2023	2022	2023	2022	2023	2022
CASH FLOWS FROM OPERATING ACTIVITIES								
Operating income	\$ 9,894,368	\$ 5,673,952	\$ 6,851,089	\$ 4,051,899	\$ -	\$ -	\$ 16,745,457	\$ 9,725,851
Adjustments to reconcile operating income to net cash from operating activities								
Depreciation	3,524,923	3,424,626	3,166,297	3,066,022	-	-	6,691,220	6,490,648
Amortization of software costs	70,893	72,416	21,423	24,875	-	-	92,316	97,291
Change in OPEB	(129,469)	(8,192)	(34,416)	(2,176)	-	-	(163,885)	(10,368)
Changes in assets and liabilities								
Change in accounts receivable	556,186	(369,088)	(117,373)	(142,755)	-	-	438,813	(511,843)
Change in interest and other receivables	(164,753)	196,716	26,801	(33,206)	-	-	(137,952)	163,510
Change in materials and supplies	(106,088)	(341,961)	(289,894)	(1,191,910)	-	-	(395,982)	(1,533,871)
Change in other assets	162,739	(121,479)	(51,538)	13,534	-	-	111,201	(107,945)
Change in accounts payable	342,402	(654,067)	56,442	(98,212)	-	-	398,844	(752,279)
Change in accrued payroll and related liabilities	16,425	74,072	26,034	23,507	-	-	42,459	97,579
Change in accrued compensated absences payable	48,223	1,867	85,376	31,145	-	-	133,599	33,012
Change in customer deposits	(26,831)	10,534	2,000	4,000	-	-	(24,831)	14,534
Change in unearned revenue	1,161,327	150,566	(16,420)	59,912	-	-	1,144,907	210,478
Net cash from operating activities	<u>\$ 15,350,345</u>	<u>\$ 8,109,962</u>	<u>\$ 9,725,821</u>	<u>\$ 5,806,635</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 25,076,166</u>	<u>\$ 13,916,597</u>

See accompanying notes.

Springfield Utility Board

Notes to Financial Statements

Note 1 – Summary of Significant Accounting Policies

The Springfield Utility Board (the Utility) is an administrative unit of the City of Springfield, Oregon, whose operations and activities are controlled by an independent, elected Board of Directors. As established by the Governmental Accounting Standards Board (GASB) definition of a reporting entity, the Utility is considered a primary government and is not a component unit of the City of Springfield or of any other entity, nor are there any component units for which the Utility is financially accountable. The Utility is responsible for ownership, maintenance, and operation of the Electric Utility and Water Utility systems of the City of Springfield. Accordingly, the Utility has the authority to set rates and charges for commodities or services provided.

The Utility maintains its accounting records in accordance with generally accepted accounting principles for proprietary funds. Although the Utility is not subject to the regulations of the Federal Energy Regulatory Commission (FERC), its accounting policies generally conform to the accounting requirement of FERC.

Inter-Utility activity between the Electric Utility and Water Utility are eliminated in the Total Utilities columns of the financial statements.

Financial statement presentation, measurement focus, and basis of accounting – The financial statements are prepared using the “economic resources measurement focus” and the “accrual basis of accounting.” Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of the cash flows.

Operating revenues and expenses generally result from providing electric and water sales and services. The principle operating revenues are charges to customers for sales and services. Operating expenses include cost of sales and services, administration expenses, and depreciation of capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

Use of estimates – The preparation of the financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements and reported amounts of revenues and expenditures or expenses during the reporting period. Actual results could differ from those estimates.

Utility plant – The Electric Utility and Water Utility plant assets are stated substantially at cost. Cost includes materials, labor, payments to contractors, and indirect costs, such as transportation and construction equipment use and employee benefits. An acquisition adjustment is recorded for any difference between the cost of the plant to the user and the purchase price to the Utility.

The costs of additions, renewals, and betterments are capitalized. Repairs and minor replacements are charged to operating expenses. The book value of retired plant, plus removal cost, less salvage value, is charged to accumulated depreciation when plant is removed.

Springfield Utility Board

Notes to Financial Statements

Depreciation and amortization – Depreciation for the Electric Utility is computed using straight-line composite rates over the estimated useful lives of plant assets based upon FERC guidelines. The Water Utility's depreciation is computed using the straight-line method over the estimated useful lives of the assets. Computer software is being amortized using the straight-line method over five years. Amortization of plant acquisition adjustments is computed using the straight-line method based upon the estimated remaining life of the assets acquired. The range of estimated useful lives is as follows:

	<u>Range of Estimated Useful Lives</u>
Electric Utility	
Production, transmission, distribution, and general plant	5 – 60 years
Acquisition adjustments	20 – 25 years
Water Utility	
Source of supply, power and pumping, purification, transmission, distribution, and general plant	5 – 60 years
Acquisition adjustments	20 – 25 years

Long-lived assets – It is the Utility's policy to account for long-lived assets at amortized cost. As part of an on-going review of the valuation and amortization of long-lived assets, management assesses the carrying value of such assets if facts and circumstances suggest that they may be impaired. If this review indicates that the long-lived assets will not be fully recoverable, as determined by a fair-value-based impairment test, the carrying value of the Utility's long-lived assets would be reduced to their estimated fair value. There was no reduction to long-lived assets as of December 31, 2023 or 2022.

Investments – Investments are held at carrying value. Certificates of deposits held by the Utility have been specifically scoped out, and are not subject to GASB 72 valuation applications.

Cash equivalents – For the purposes of the statements of cash flows, the Utility considers all highly liquid investments purchased with original maturities of three months or less to be cash equivalents. Cash equivalents are allocated to the Electric Utility and Water Utility based on each utility's proportionate share of unsegregated investments as of the statement of net position date. Cash is considered designated when it is reserved by the Board for future facilities and storage improvement charges.

Springfield Utility Board

Notes to Financial Statements

Accounts receivable and revenue recognition – The Utility provides energy and water to residential, commercial, and industrial customers located principally within Springfield, Oregon. The credit practices of the Utility require an evaluation of each new customer's creditworthiness on a case-by-case basis, and the Utility's policy governs customer deposit requirements. Revenues are recognized as monthly billing cycles are completed. Accounts receivable is recorded at the invoiced amount, less an allowance for doubtful accounts. Additionally, an annual unbilled revenue accrual is recorded in accounts receivable for the amount of energy and water provided between the billing cycle date and the end of the year. As of December 31, 2023 and 2022, unbilled revenues included in accounts receivable were \$4,228,308 and \$4,440,338, respectively.

Receivables are recorded net of the allowance for doubtful accounts. The allowance is determined by an examination of write off experience and consideration of other influences as appropriate. As of December 31, 2023 and 2022, the allowance for doubtful accounts was \$32,990 and \$35,705 for the total Utility, respectively.

Note receivable and long-term debt – As of December 31, 2023 and 2022, the Electric Utility maintained notes receivable with the Water Utility of \$11,696,717 and \$0, respectively. The portion of the notes receivable that are due within one year have been classified as a current asset and the long-term portions have been classified as other assets on the Electric Utility statement of net position. See Note 4 – Long-Term Debt.

Materials and supplies – Materials and supplies provide for additions and repairs to the Utility plant and are carried at average cost.

Accrued compensated absences – Compensated absences consist of accrued vacation and sick time for Utility employees. Amounts are determined as outlined in the Utility personnel policy manual.

Adoption of new accounting standards

Subscription-Based Information Technology Arrangements – In May 2020, GASB issued Statement No. 96, "Subscription-Based Information Technology Arrangements." This Statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government end users (governments). This Statement (1) defines a SBITA; (2) establishes that a SBITA results in a right-to-use subscription asset—an intangible asset—and a corresponding subscription liability; (3) provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA; and (4) requires note disclosures regarding a SBITA. To the extent relevant, the standards for SBITAs are based on the standards established in Statement No. 87, Leases, as amended. The District adopted GASB Statement No. 96 during the fiscal year 2023, which resulted in no impact to beginning net position for the years ended December 30, 2023 and 2022.

Springfield Utility Board

Notes to Financial Statements

Public-Private and Public-Public Partnerships and Availability Payment Arrangements - In March 2020, GASB issued Statement No. 94, "Public-Private and Public-Public Partnerships and Availability Payment Arrangements." The primary objective of this Statement is to improve financial reporting by addressing issues related to public-private and public-public partnership arrangements (PPPs). As used in this Statement, a PPP is an arrangement in which a government (the transferor) contracts with an operator (a governmental or nongovernmental entity) to provide public services by conveying control of the right to operate or use a nonfinancial asset, such as infrastructure or other capital asset (the underlying PPP asset), for a period of time in an exchange or exchange-like transaction. The District adopted GASB Statement No. 94 during fiscal year 2023, which resulted in no impact to beginning net position for the years ended December 30, 2023 and 2022.

Reclassification – Certain prior year balances were reclassified to conform with current year presentation.

Springfield Utility Board

Notes to Financial Statements

Note 2 – Plant in Service

Plant activity during the year is as follows:

	December 31, 2022	Additions	Disposals/ Transfers	December 31, 2023
ELECTRIC UTILITY				
Plant not being depreciated				
Land and land rights	\$ 14,165,752	\$ -	\$ -	\$ 14,165,752
Construction work-in-progress	11,782,688	9,836,450	(8,978,378)	12,640,760
Total plant not being depreciated	25,948,440	9,836,450	(8,978,378)	26,806,512
Plant being depreciated				
Production	1,682,446	-	-	1,682,446
Transmission	14,005,919	54,580	(8,042)	14,052,457
Distribution	103,572,673	5,625,181	(678,003)	108,519,851
General	18,336,848	1,539,894	(17,047)	19,859,695
Acquisition adjustments	4,922,336	-	-	4,922,336
Total plant being depreciated	142,520,222	7,219,655	(703,092)	149,036,785
Accumulated depreciation and amortization	(66,156,894)	(3,524,923)	630,837	(69,050,980)
Electric utility plant, net	102,311,768	13,531,182	(9,050,633)	106,792,317
WATER UTILITY				
Plant not being depreciated				
Land and land rights	2,703,382	357,661	(2,661)	3,058,382
Construction work-in-progress	5,304,535	12,352,069	(11,226,761)	6,429,843
Total plant not being depreciated	8,007,917	12,709,730	(11,229,422)	9,488,225
Plant being depreciated				
Source of supply	24,129,600	1,006,165	-	25,135,765
Power and pumping	8,947,162	6,118	-	8,953,280
Purification	3,269,651	-	-	3,269,651
Transmission	20,629,144	1,587,454	(120,776)	22,095,822
Storage	7,285,744	4,870,120	-	12,155,864
Distribution	68,881,677	2,829,890	(317,292)	71,394,275
General	10,476,273	642,931	(157,149)	10,962,055
Acquisition adjustments	(1,343,679)	-	-	(1,343,679)
Total plant being depreciated	142,275,572	10,942,678	(595,217)	152,623,033
Accumulated depreciation and amortization	(40,054,817)	(3,166,297)	421,348	(42,799,766)
Water utility plant, net	110,228,672	20,486,111	(11,403,291)	119,311,492
Total utility plant, net	\$ 212,540,440	\$ 34,017,293	\$ (20,453,924)	\$ 226,103,809

Springfield Utility Board

Notes to Financial Statements

	December 31, 2021	Additions	Disposals/ Transfers	December 31, 2022
ELECTRIC UTILITY				
Plant not being depreciated				
Land and land rights	\$ 12,012,373	\$ 2,153,379	\$ -	\$ 14,165,752
Construction work-in-progress	6,914,858	12,228,703	(7,360,873)	11,782,688
Total plant not being depreciated	18,927,231	14,382,082	(7,360,873)	25,948,440
Plant being depreciated				
Production	1,682,446	-	-	1,682,446
Transmission	13,859,004	150,263	(3,348)	14,005,919
Distribution	100,776,439	3,029,879	(233,645)	103,572,673
General	17,775,355	565,534	(4,041)	18,336,848
Acquisition adjustments	4,922,336	-	-	4,922,336
Total plant being depreciated	139,015,580	3,745,676	(241,034)	142,520,222
Accumulated depreciation and amortization	(62,737,256)	(3,424,626)	4,988	(66,156,894)
Electric utility plant, net	95,205,555	14,703,132	(7,596,919)	102,311,768
WATER UTILITY				
Plant not being depreciated				
Land and land rights	2,676,218	27,964	(800)	2,703,382
Construction work-in-progress	4,859,442	8,146,318	(7,701,225)	5,304,535
Total plant not being depreciated	7,535,660	8,174,282	(7,702,025)	8,007,917
Plant being depreciated				
Source of supply	22,071,288	2,073,128	(14,816)	24,129,600
Power and pumping	8,933,637	13,525	-	8,947,162
Purification	3,269,651	-	-	3,269,651
Transmission	18,899,454	1,787,930	(58,240)	20,629,144
Storage	7,285,744	-	-	7,285,744
Distribution	64,037,091	5,115,482	(270,896)	68,881,677
General	10,246,884	232,745	(3,356)	10,476,273
Acquisition adjustments	(1,343,679)	-	-	(1,343,679)
Total plant being depreciated	133,400,070	9,222,810	(347,308)	142,275,572
Accumulated depreciation and amortization	(37,147,481)	(3,066,022)	158,686	(40,054,817)
Water utility plant, net	103,788,249	14,331,070	(7,890,647)	110,228,672
Total utility plant, net	\$ 198,993,804	\$ 29,034,202	\$ (15,487,566)	\$ 212,540,440

Springfield Utility Board

Notes to Financial Statements

Note 3 – Cash and Investments

Cash, deposits, and investments consisted of the following:

	Cash and Cash Equivalents	Designated Cash Equivalents	Short-term Investment	Long-term Investment	2023 Total Carrying Amount	2022 Total Carrying Amount
ELECTRIC UTILITY						
Cash on hand	\$ 3,245	\$ -	\$ -	\$ -	\$ 3,245	\$ 3,245
Deposits with financial institutions						
Demand deposits, cash management, and money market accounts	9,338,172	-	-	-	9,338,172	1,418,558
State Treasurer's Investment Pool	16,104,532	-	-	-	16,104,532	25,350,921
Investments						
Certificates of deposit	-	-	12,426,264	-	12,426,264	12,280,904
Total Electric Utility cash and investments	25,445,949	-	12,426,264	-	37,872,213	39,053,628
WATER UTILITY						
Cash on hand	605	-	-	-	605	605
Deposits with financial institutions						
Demand deposits, cash management, and money market accounts	2,482,299	-	-	-	2,482,299	377,085
State Treasurer's Investment Pool	10,684,519	1,263,298	-	-	11,947,817	2,148,824
Investments						
Certificates of deposit	-	-	2,205,266	-	2,205,266	2,166,627
Total Water Utility cash and investments	13,167,423	1,263,298	2,205,266	-	16,635,987	4,693,141
Total cash and investments	\$ 38,613,372	\$ 1,263,298	\$ 14,631,530	\$ -	\$ 54,508,200	\$ 43,746,769

Deposits – Deposits with financial institutions include bank demand deposits, a cash management investment account, and money market accounts. The total cash on hand and deposits with financial institutions not covered by federal depository insurance were collateralized with securities held by financial institutions acting as agents for the Utility in the Utility's name.

As of December 31, 2023, the Utility held the following deposits and investments (Electric Utility and Water Utility combined):

Type	Carrying Value	% of Portfolio
Certificates of deposit	\$ 14,631,530	27%
Local Government Investment Pool	28,052,349	51%
Other deposits	11,820,471	22%
Total	\$ 54,504,350	100%

Springfield Utility Board

Notes to Financial Statements

As of December 31, 2022, the Utility held the following investments (Electric Utility and Water Utility combined):

Type	Carrying Value	% of Portfolio
Certificates of deposit	\$ 14,447,531	33%
Local Government Investment Pool	27,499,745	63%
Other deposits	1,795,643	4%
Total	<u>\$ 43,742,919</u>	<u>100%</u>

Custodial credit risk— Custodial credit risk is the risk that, in the event of the failure of the counterparty, the Utility will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. All of the aforementioned investments, which are not evidenced by securities, are held in the Utility's name by a third-party custodian.

Concentration of credit risk— Concentration of credit risk is the risk that, when investments or deposits are concentrated in one issuer, this concentration presents a heightened risk of potential loss. Of the Utility's total combined investments and deposits as of December 31, 2023 and 2022, 27% and 33% were invested in certificates of deposits, respectively, and 51% and 63% were invested in the State of Oregon Local Government Investment Pool, respectively. With the exception of pass-through funds, the maximum amount of pooled investments to be placed in the Local Government Investment Pool is limited by State of Oregon Statute.

Investments— Oregon Revised Statutes authorize the Utility to invest in general obligations of the U.S. government and its agencies and corporations, bank repurchase agreements, and the State Treasurer's Investment Pool, among others.

The Utility's investments, except for the State Treasurer's Investment Pool, are required to be categorized as either: (1) insured or registered, for which the securities are held by the Utility or its agents in the Utility's name, or (2) uninsured and unregistered, for which the securities are held in the Utility's name by the trust which the securities are held by the financial institution selling the security to the Utility or by its trust department but not in the Utility's name.

The State of Oregon's investment policies used in administering the Treasurer's Investment Pool (the Pool) are governed by Oregon Revised Statutes and the Oregon Investment Council (the Council). The Pool is not registered with the U.S. Securities and Exchange Commission as an investment company. The Pool is unrated. The State Treasurer is the investment officer for the Council and is responsible for the funds on deposit in the State Treasury. The State Treasury's investments in short-term securities are limited by the portfolio rules established by the Oregon Short-Term Fund Board and the Council. The fair value of the Board's position in the pool is the same as the value of the pool share. Financial statements for the pool may be obtained from the Oregon State Treasury website.

Springfield Utility Board

Notes to Financial Statements

Note 4 – Long-Term Debt

In 2023, the Electric Utility loaned the Water Utility \$12,000,000. The balance was borrowed for the Water Utility to pay for upcoming engineering expenses in future years. The loan bears interest at a variable rate of 4.63% as of December 31, 2023; the rate is set forth by the State Pool Fund and will be adjusted on an annual basis. Monthly payments are required, noting principal and interest payments will vary based on interest rate. Total interest expense as of December 31, 2023 and 2022, were, \$220,800 and \$0, respectively.

Maturities as of December 31 are as follows:

	Principal
2024	\$ 199,424
2025	208,657
2026	218,318
2027	228,426
2028	239,002
Thereafter	10,602,890
Total	<u>\$ 11,696,717</u>

The following is a summary of long-term debt transactions:

	Beginning of Year Balance	Additions During the Year	Redeemed During the Year	End of Year Balance	Due Within One Year
Year ended December 31, 2023					
Water utility	\$ -	\$ 12,000,000	\$ (303,283)	\$ 11,696,717	\$ 199,424
Total	<u>\$ -</u>	<u>\$ 12,000,000</u>	<u>\$ (303,283)</u>	<u>\$ 11,696,717</u>	<u>\$ 199,424</u>
Year ended December 31, 2022					
Water utility	\$ -	\$ -	\$ -	\$ -	\$ -
Total	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Springfield Utility Board

Notes to Financial Statements

Note 5 – Employee Benefit Plans

Defined contribution benefit plan – The Utility administers the Springfield Utility Board Money Purchase Plan, which is a defined contribution pension plan covering substantially all employees. Employees who elect to participate in the plan contribute a minimum of 3% and a maximum of 20% of their annual wages. The Utility contributes 11% of the annual wages of the employee. Employees are immediately vested in their contributions, and, effective January 1, 1999, vesting in the Utility contribution occurs under a five-year vesting schedule. The contribution requirements of plan members are established and may be amended by the Board of Directors. The Utility's payroll for employees covered by the plan was \$12,927,494 for 2023 and \$12,021,235 for 2022; total payroll was \$15,506,843 for 2023 and \$14,280,876 for 2022. Total 2023 employer contributions were \$1,123,399 for the Electric Utility and \$298,625 for the Water Utility and \$1,044,646 and \$277,691, respectively, for 2022. There were no forfeitures in 2023 or 2022.

Note 6 – Post Employment Benefits Other Than Pensions

Plan description – The Springfield Utility Board Postemployment Benefit Plan (the Plan) is a single-employer defined benefit medical stipend plan administered by the Utility. The Plan provides a monthly stipend benefit to eligible retired employees of the Utility. The Plan is under the jurisdiction of the Utility and does not require funding of a trust. Accordingly, the Plan is not required to issue separate financial statements.

Plan participants – Retirees are eligible for the stipend benefit if they retire from the Utility after age 55 with at least 15 years of service. The monthly benefit is based on years of service as follows:

	Monthly Stipend as of July 1, 2023
Retirees who retired prior to August 13, 1998, age 65 or older	\$ 139.36
Retirees who retired between August 13, 1998, and June 30, 2003, age 65 or older	139.36
Retirees who retired on or after July 1, 2003, age 65 or older	207.30
Retirees who retired on or after July 1, 2003, under age 65	
Years of service	
15 – 19	310.89
20 – 24	423.17
25 – 29	526.79
Over 30	630.43

The stipends are exclusively for healthcare and are adjusted annually for inflation based on the West Coast Urban Wage Earners and Clerical Workers Class Size B/C CPI from July to June. Retirees are eligible for the healthcare benefit if they retire from the Utility after age 55 and are fully vested in the money purchase plan.

There are no legally required reserves for the Plan. As of December 31, 2023, there were 45 active retirees receiving benefits under the Plan and 129 total active employees, although not all had attained full eligibility for benefits upon retirement.

Springfield Utility Board

Notes to Financial Statements

Funding policy – The Plan is funded by the Utility on a pay-as-you-go basis. Employees and retirees do not contribute to the Plan. For the years ended December 31, 2023 and 2022, net stipend and healthcare benefits paid for eligible retirees of the Utility under the Plan were approximately \$520,735 and \$793,284, respectively. Effective November 1, 2017, the Utility instituted a HRA VEBA account for these retiree payments.

Actuarial methods and assumptions – The actuarial assumptions reflect expectations of future events that will affect the ultimate cost of the Plan. The details of the actuarial assumptions for the year ended December 31, 2023, using a valuation date of January 1, 2023, and measurement date of December 31, 2023, are as follows:

	2023	2022
Actuarial cost method	Entry age	Entry age
Discount rate	4.00%	4.31%
Amortization	Average expected remaining service lives	Average expected remaining service lives
Annual healthcare cost trend rate		
Insurance stipend	3%	3%
Healthcare benefit	10% graded to 3% over 7 years	10% graded to 3% over 7 years
Mortality	RP 2014 mortality table project to 2024 with Scale BB	RP 2014 mortality table project to 2024 with Scale BB
Inflation	2.55%	2.86%

100% of all active participants are assumed to receive the stipend benefit at the time of retirement.

75% of all active participants are assumed to elect healthcare coverage at time of retirement.

	Age	Percent
Retirement rates	55 – 56	2.5%
	57 – 59	7.5%
	60 – 61	5.0%
	62	40.0%
	63 – 64	10.0%
	65	65.0%
	66 – 69	50.0%
	70 and over	100.0%
Disability	None	
Market value of assets	N/A – the Plan is not advanced funded	

Springfield Utility Board

Notes to Financial Statements

The total OPEB liability components of the measurement date of December 31, 2023, and changes in OPEB liability for the year ended December 31, 2023:

	<u>2023</u>	<u>2022</u>
Balance, beginning of year	\$ 7,901,864	\$ 11,756,578
Changes for the year		
Service cost	486,827	345,628
Interest on total OPEB liability	361,553	272,300
Benefit payments	(520,735)	(793,284)
Differences between actual and expected experience	(351,877)	641,231
Changes in assumptions	437,010	(4,320,589)
	<u>412,778</u>	<u>(3,854,714)</u>
Net changes		
	<u>412,778</u>	<u>(3,854,714)</u>
Total OPEB liability, end of year	<u>\$ 8,314,642</u>	<u>\$ 7,901,864</u>

OPEB expense was \$680,224 and \$442,677 for the years ended December 31, 2023 and 2022, respectively.

Deferred outflow and inflow of resources as of December 31, 2023, consist of the following:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 552,416	\$ 721,319
Changes in assumptions	2,274,513	4,212,285
	<u>\$ 2,826,929</u>	<u>\$ 4,933,604</u>
Total		
	<u>\$ 2,826,929</u>	<u>\$ 4,933,604</u>

Deferred outflow and inflow of resources as of December 31, 2022, consist of the following:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 608,432	\$ 458,957
Changes in assumptions	1,844,705	4,677,518
	<u>\$ 2,453,137</u>	<u>\$ 5,136,475</u>
Total		
	<u>\$ 2,453,137</u>	<u>\$ 5,136,475</u>

Springfield Utility Board

Notes to Financial Statements

Amounts reported as deferred outflows and inflows of resources will be recognized in OPEB expense as follows:

2024	\$ (168,156)
2025	(168,156)
2026	(168,156)
2027	(168,156)
2028	(168,156)
Thereafter	<u>(1,265,895)</u>
	<u><u>\$ (2,106,675)</u></u>

The following presents the total OPEB liability of the Utility, as well as what the Utility's total OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower or 1-percentage-point higher than the current discount rate:

Discount Rate

1% decrease (3.00%)	\$ 9,797,974
Current (4.00%)	8,314,642
1% increase (5.00%)	7,128,143

The following presents the total OPEB liability of the Utility, as well as what the Utility's total OPEB liability would be if it were calculated using a healthcare cost trend rate that is 1-percentage-point lower or 1-percentage point higher than the current healthcare cost trend rates:

Healthcare Cost Trend Rate

1% decrease (2.00%)	\$ 7,049,985
Current (3.00%)	8,314,642
1% increase (4.00%)	9,876,132

Note 7 – Commitments and Contingencies

Power supply agreements – All of the Utility's power purchases are made under a Tier I and Tier II power service agreement through BPA that the Utility has forecasted to meet demand needs moving into the future. This contract was effective beginning on October 1, 2011, and will expire on September 30, 2028.

Based on BPA load forecasts, SUB's Board may elect to purchase Tier II BPA power to meet a portion of load forecasted by BPA to be above Tier I BPA purchases. SUB's load is forecasted to be under Tier I purchases for the nearer term and SUB has no Tier II purchases.

Springfield Utility Board

Notes to Financial Statements

Conservation programs – The Utility has contracts with BPA to provide weatherization and conservation services to Electric customers. Some of the Utility's conservation programs involve processing loans for utility customers. The loans are made by local financial institutions and the Utility guaranteed the loans to the institutions prior to January 1, 2005. Beginning on January 1, 2017, Pacific Cascade Federal Credit Union is used exclusively by the Utility to process conservation loans for utility customers and is not requiring the Utility to guarantee these loans.

Note 8 – Risk Management

The Utility is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Utility carries commercial insurance to cover the risk of loss. The Utility's management believes insurance coverage is adequate and related deductibles would not materially affect the Utility's operations. There were no settlements that exceeded insurance coverage in 2023 and 2022.

Required Supplementary Information

Springfield Utility Board
Schedule of Changes in Employer's Total OPEB Liability and Related Ratios
Last 10 Fiscal Years*

	2023	2022	2021	2020	2019	2018
<i>Changes for the Year</i>						
Service cost	\$ 486,827	\$ 345,628	\$ 275,232	\$ 239,449	\$ 291,948	\$ 326,055
Interest cost	361,553	272,300	252,872	297,789	345,914	307,772
Differences between actual and expected experience	(351,877)	641,231	(72,067)	(355,152)	(92,693)	(113,813)
Change in assumptions	437,010	(4,320,589)	(314,866)	1,198,693	2,037,045	(842,160)
Benefit payments	(520,735)	(793,284)	(150,895)	(203,704)	(137,963)	(127,751)
Net change in total OPEB liability	<u>\$ 412,778</u>	<u>\$ (3,854,714)</u>	<u>\$ (9,724)</u>	<u>\$ 1,177,075</u>	<u>\$ 2,444,251</u>	<u>\$ (449,897)</u>
Total OPEB liability, beginning	<u>\$ 7,901,864</u>	<u>\$ 11,756,578</u>	<u>\$ 11,766,302</u>	<u>\$ 10,589,227</u>	<u>\$ 8,144,976</u>	<u>\$ 8,594,873</u>
Total OPEB liability, ending	<u>\$ 8,314,642</u>	<u>\$ 7,901,864</u>	<u>\$ 11,756,578</u>	<u>\$ 11,766,302</u>	<u>\$ 10,589,227</u>	<u>\$ 8,144,976</u>
Covered employee payroll	\$ 13,512,756	\$ 13,354,333	\$ 12,167,427	\$ 11,813,036	\$ 11,139,469	\$ 12,293,414
Total OPEB liability as a percentage of covered payroll	62%	59%	97%	100%	95%	66%

* GASB Statement No. 75 requires ten years of information to be presented in this table. However, until a full 10-year trend is compiled, the Utility will present information for those years for which information is available.

Audit Comments

(Disclosures and comments required by state regulations)

Oregon Administrative Rules 162-10-050 through 162-10-320, the Minimum Standards for Audits of Oregon Municipal Corporations, prescribed by the Secretary of State in cooperation with the Oregon State Board of Accountancy, enumerate the financial statements, schedules, comments, and disclosures required in audit reports. The required financial statements and schedules are set forth in preceding sections of this report. Required comments and disclosures related to the audit of such statements and schedules are set forth following.

Report of Independent Auditors on Compliance and on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Oregon Auditing Standards

The Board of Directors
Springfield Utility Board

We have audited, in accordance with auditing standards generally accepted in the United States of America the financial statements of the Springfield Utility Board (the Utility) as of and for the year ended December 31, 2023, and the related notes to the financial statements, which collectively comprise Springfield Utility Board's financial statements, and have issued our report thereon dated August 28, 2024.

Compliance

As part of obtaining reasonable assurance about whether the Springfield Utility Board's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, including provisions of Oregon Revised Statutes (ORS) as specified in Oregon Administrative Rules (OAR) 162-010-0000 to 162-010-0330, of the Minimum Standards for Audits of Oregon Municipal Corporations, noncompliance with which could have a direct and material effect on the financial statements: However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion.

We performed procedures to the extent we considered necessary to address the required comments and disclosures which included, but were not limited to, the following:

- Accounting records and internal control
- Public fund deposits
- Indebtedness
- Insurance and fidelity bonds
- Programs funded from outside sources
- Investments
- Public contracts and purchasing

In connection with our testing, nothing came to our attention that caused us to believe Springfield Utility Board was not in substantial compliance with certain provisions of laws, regulations, contracts, and grant agreements, including the provisions of ORS as specified in OAR 162-010-0000 through 162-010-0330 of the Minimum Standards for Audits of Oregon Municipal Corporations.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Springfield Utility Board's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Springfield Utility Board's internal control. Accordingly, we do not express an opinion on the effectiveness of the Springfield Utility Board's internal control.


A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that have not been identified.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. Accordingly, this communication is not suitable for any other purpose.

This report is intended solely for the information and use of the board of directors and management of Springfield Utility Board and the Oregon Secretary of State, and is not intended to be, and should not be, used by anyone other than these parties.



Julie Desimone, Partner, for
Moss Adams LLP
Portland, Oregon
August 28, 2024



MOSSADAMS

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Work Session
	Staff Contact/Dept:	Kenneth Vogeney/Operations Division
	Staff Phone No:	541-736-1026
	Estimated Time:	20 Minutes
	Council Goals:	Maintain and Improve Infrastructure and Facilities

ITEM TITLE:

P41044 - 42nd Street Levee Project Update

ACTION REQUESTED:

No action requested. This item is for information only.

ISSUE STATEMENT:

The 42nd Street Levee is a city-owned and operated flood control levee which protects approximately 1/3 of the city's area from McKenzie River flooding. The levee is about a mile long and located along the easterly side of 42nd Street, from Marcola Road to near the entrance to the International Paper facility. Several deficiencies in the levee structure were documented in 2020 following inspections conducted the U.S. Army Corps of Engineers (USACE) with city staff.

This agenda item provides an update to City Council on the status of efforts to address the identified deficiencies since the last update was provided in October 2023.

DISCUSSION/FINANCIAL IMPACT:

After the October 2023 Communication Packet Item for the 42nd Street Levee update, three significant events have occurred which affected the levee project: the January 2024 ice storm, the release of a channel migration study for the McKenzie River by the Oregon Department of Geology and Mineral Industries (DOGAMI), and finalizing the scope of work for the Feasibility Study with USACE.

January 2024 Ice Storm

The ice storm caused significant damage to trees growing on the levee structure and within the riparian area between the levee and the riverbank. Although numerous trees within the riparian area fell as a result of the storm, the trees on the levee itself lost many limbs and branches, but none fell over, resulting in no structural damage. Staff did identify 2 of the trees on the levee that appear at risk of falling in a future storm event and recommended these trees be removed. While the ice storm didn't affect the levee structure, it did result in about a 6 month delay in working with USACE on the levee Feasibility Study as staff prioritized storm response and clean-up efforts over the Feasibility Study.

McKenzie River Channel Migration Zone Study

In June 2024, DOGAMI issued the "Channel Migration Zone Maps for McKenzie and Middle Fork Willamette Rivers, Open File Report O-24-02". The report examines the river bank erosion and channel migration which has been occurring since 1964 and identifies erosion zones of High Risk, Medium Risk, and Low Risk on a series of maps. Attachment 1 provides an excerpt from the report showing the erosion zones in the vicinity of the 42nd Street levee. The map indicates that north of Highway 126 there is a High Risk of the westerly bank of the McKenzie River migrating to and through the levee, as well as crossing Marcola Road, within the next 30 years if the river bank erosion continues at a similar rate as the average rate since 1964. This study result confirms the staff and USACE concerns from 2020 that continue channel migration of the river toward the levee poses a serious risk of levee failure and significant flooding in Springfield.

Feasibility Study

The Feasibility Study will be led by USACE in close coordination with city staff. The study involves evaluating the existing conditions of the levee and the river channel migration, identifying potential solutions to mitigate levee deficiencies and concerns, and selecting the alternative(s) which will best meet the project goals, including but not limited to flood risk management, river bank stabilization, access, passive recreation, riparian/enviromental protection, and cost. The study is expected to take about 2 years to complete and should begin in early 2025.

Financial Impact

The Feasibility Study will have a direct financial impact on the city. The Feasibility Cost Share Agreement (FCSA) outlines the responsibilities of USACE and the City for the study and the 50/50 cost share between the two. The FCSA is currently in final review by staff and is listed as one of the contracts for City Manager approval during the upcoming Council recess.

The estimated cost for the Feasibility Study is \$894,110, with the city's share of the cost being \$447,055. The release of the DOGAMI Channel Migration Zone study allowed USACE to reduce the overall estimated cost of the Feasibility Study as they will no longer need to do similar analysis. The city will provide some of the services for the study to offset its cash payment to USACE, specifically the public outreach and engagement process, and contracting for geotechnical exploration of the levee structure to identify the materials used to construct the levee in 1959. The estimated value of these "work-in-kind" services is \$151,040, resulting in a cash payment from the city to USACE of \$296,015 to initiate the project. Funds are available in Fund 617 capital reserves for this project, which will be included in Supplemental Budget #2 to transfer the funds from reserves into the Capital Budget.

The total federal contribution for this project is \$10 million. When the Feasibility Study is completed and the preferred alternative(s) selected, staff will present a project agreement to the Council for their consideration. The project agreement will formalize the alternatives, estimated total cost, and the 65/35 USACE/City cost share responsibilities for implementation.

Attachments

1. 42nd St Levee CMZ Map

State of Oregon
Oregon Department of Geology and Mineral Industries
Ruairi J. Day-Stirrat, State Geologist

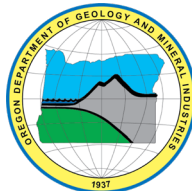
OPEN-FILE REPORT O-24-02

**CHANNEL MIGRATION ZONE MAPS
FOR EASTERN LANE COUNTY, OREGON
MCKENZIE AND MIDDLE FORK WILLAMETTE RIVER**

by Christina A. Appleby¹



EXCERPT - 42ND STREET LEVEE VICINITY

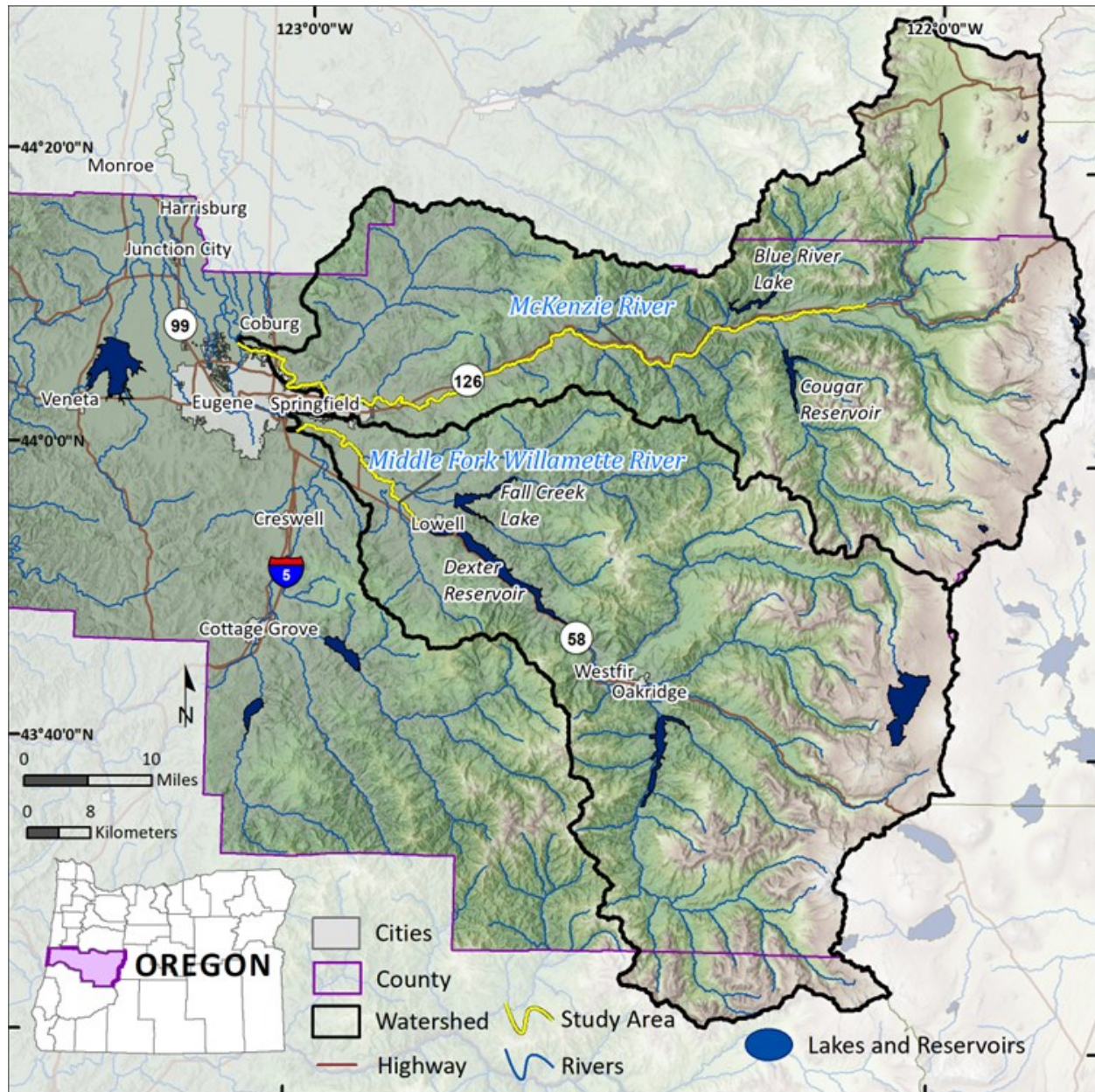


2024

¹Oregon Department of Geology and Mineral Industries, 800 NE Oregon Street, Suite 965, Portland, OR 97232

Channel Migration Zone Study Area

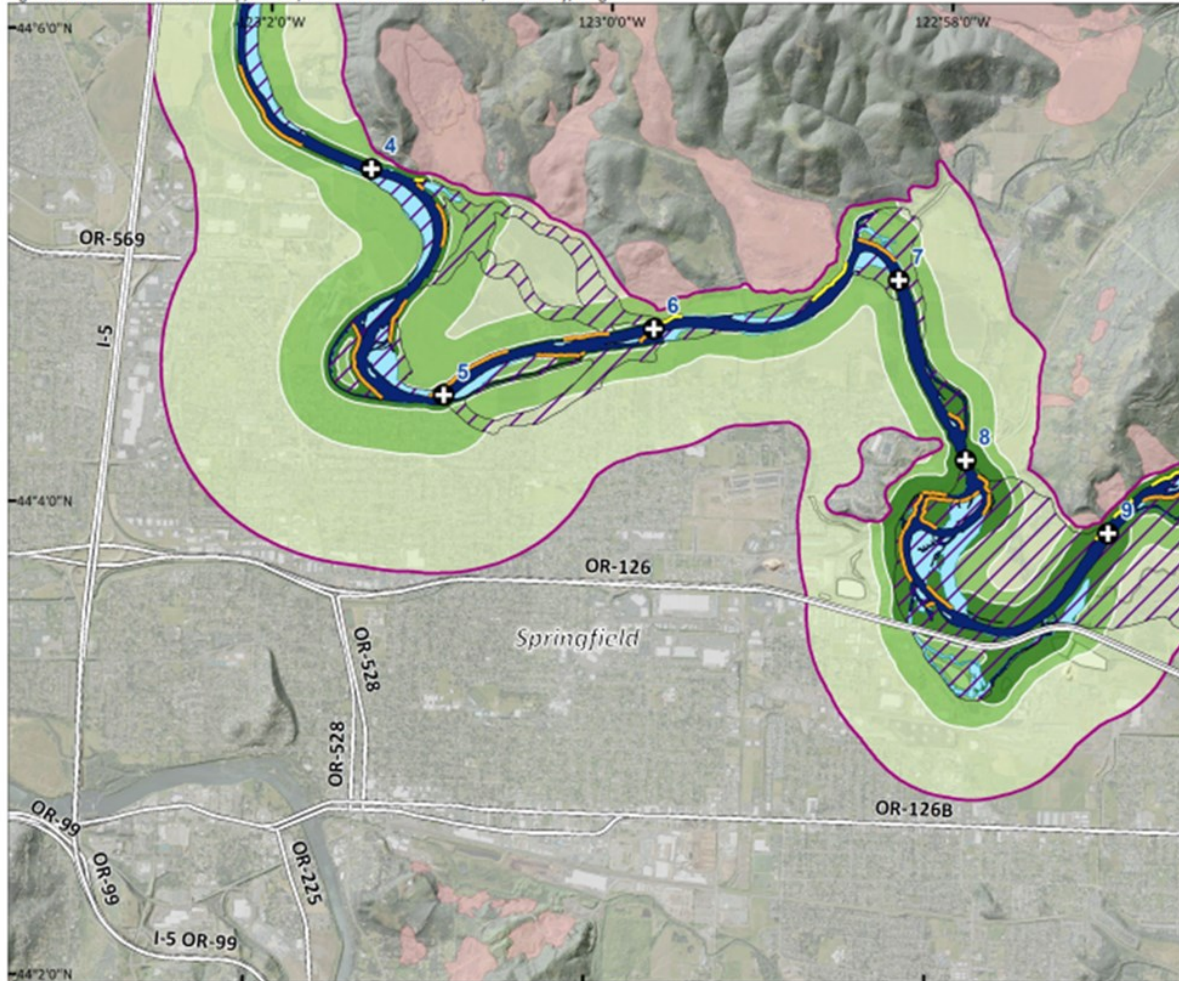
Yellow lines indicate the sections of the McKenzie River and Middle Fork Willamette River included in this study.



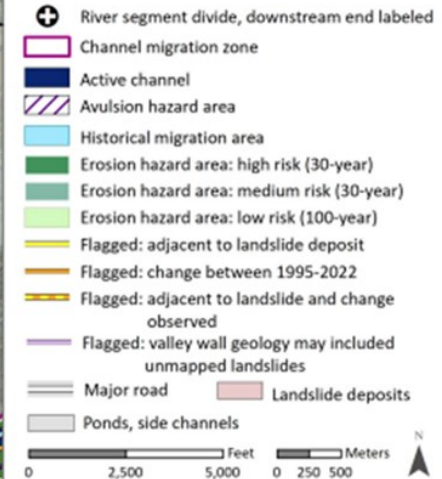
McKenzie River Erosion Hazard/Channel Migration Zones in vicinity of the 42nd Street Levee

Channel migration zone maps for eastern Lane County, Oregon

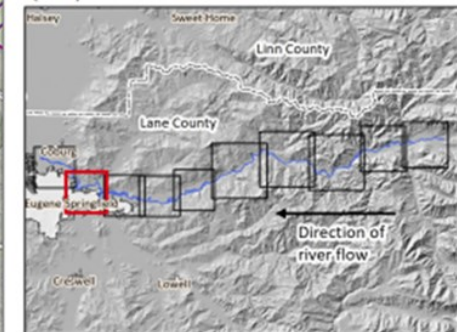
Figure 3-2. McKenzie River CMZ map, RSs 4-8, lower McKenzie River basin, Lane County, Oregon.



McKenzie River, River Segments 4-8



Basemap: DOGAMI lidar hillshade, DOGAMI SLIDO landslide deposits (2024), Oregon State Imagery Program (2022)



Location map with McKenzie River, river segments, and current extent of map highlighted in red.

Oregon Department of Geology and Mineral Industries Open-File Report O-24-02

35

Historical Migration => post dam construction (1964)

Erosion Hazard Zones –

- High Risk: annual erosion rate similar to Historical Migration rate for next 30 years;
- Medium Risk: annual erosion rate at maximum Historical Migration rate for next 30 years;
- Low Risk: annual erosion rate at maximum Historical Migration rate for next 100 years

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Work Session
	Staff Contact/Dept:	Andrew Larson/Community Development
	Staff Phone No:	
	Estimated Time:	20 Minutes
	Council Goals:	Mandate

ITEM TITLE:

Climate Friendly & Equitable Communities -- 2015 Scenario Plan Performance Measures

ACTION REQUESTED:

Conduct a work session and provide feedback on the Central Lane Scenario Plan (CLSP) recommended Performance Measures.

ISSUE STATEMENT:

The Oregon Climate-Friendly and Equitable Communities (CFEC) rules require the Eugene-Springfield area to implement the Central Lane Scenario Plan (CLSP), originally developed in 2015, to reduce transportation-related greenhouse gas (GHG) emissions. The CLSP uses scenario planning to evaluate strategies for emissions reduction by comparing potential land use and transportation changes against a "no change" future. Based on a Preferred Scenario, the plan outlines strategies to promote active transportation like walking and biking, increase use of public transportation, reduce vehicle miles traveled, and decrease emissions, while prioritizing the needs of vulnerable communities.

Under the CFEC rules, Springfield, and regional partners including Eugene, Coburg, and Lane County, must update the CLSP and introduce performance measures and targets to track GHG reduction progress. Before finalizing these measures, local jurisdictions must ensure they align with the CLSP's existing strategies, are feasible to monitor, and reflect the unique needs of each community. The project team is seeking feedback from Springfield City Council to ensure that the recommended performance measures and tracking approaches (Attachment 1) are appropriate for Springfield.

DISCUSSION/FINANCIAL IMPACT:

The project team seeks discussion and feedback from Springfield City Council on the recommended performance measures; Springfield Planning Commission provided feedback on Nov. 19, 2024. Your input is important to ensure that the measures are appropriate for Springfield and effectively track progress toward the region's GHG reduction targets.

The Metropolitan Policy Committee (MPC) is the approval authority for the performance measures that are included in the CLSP. When considering metropolitan transportation matters, MPC's voting members consist of two elected officials from Eugene, Springfield (Mayor VanGordon and Councilor Moe), and Lane County, one elected or appointed official from Coburg, and two Board members of Lane Transit District. MPC is required to submit the approved CLSP to the state by June 30, 2025.

Springfield will include the performance measures and Springfield-specific targets into the Springfield Transportation System plan as part of the upcoming Transportation System Plan amendments.

Attachments

ATT1 - Briefing Memorandum

ATT2 - Presentation

DATE: November 5, 2024
TO: Springfield City Council
FROM: Scenario Plan Implementation Team (Parametrix, and LCOG)
SUBJECT: Scenario Plan Implementation Update
PROJECT NAME: Climate-Friendly and Equitable Communities (CFEC)

Background

The Oregon Land Conservation and Development Commission's Climate-Friendly and Equitable Communities (CFEC) rules require jurisdictions in the Eugene-Springfield metropolitan area to implement the existing [Central Lane Scenario Plan](#) (CLSP) developed in 2015. Implementation requires developing locally selected performance measures and targets to measure and track progress towards implementation of the preferred scenario and achieving the region's greenhouse gas GHG reduction target set in Oregon Administrative Rules.

The region will add an Implementation Chapter to the CLSP that meets the requirements of the CFEC rules.

This effort is guided by a project team including Lane Council of Governments (LCOG) and consultant lead Parametrix, as well as staff from all affected jurisdictions (Eugene, Springfield, Coburg, and Lane County), and representatives from Lane Transit District. Oregon Department of Transportation (ODOT) and Department of Land Conservation and Development (DLCD) staff are supporting the project team with financial assistance and technical support. The Central Lane Metropolitan Planning Organization Policy Committee (MPC) serves as the governing body.

Performance Measure Development

The project team is developing performance measures and targets for tracking progress toward implementing the region's preferred scenario to achieve the metropolitan greenhouse gas (GHG) reduction target. The CFEC rules provide for a locally driven approach to developing measures and targets that align with the existing CLSP and its strategies. Progress on the performance measures and targets must be reported by the jurisdictions as part of local transportation system plans and a "Major Report" submitted to DLCD in years when the Regional Transportation Plan (RTP) is updated (generally every 4 years). A "Minor Report" briefly reviewing progress is required on an annual basis.

Key considerations the project team considered in the performance measure development process were:

- Developing performance measures that meaningfully track progress toward outcomes that advance the region's GHG reduction target;
- Considering existing performance measures from the RTP;
- Considering the performance measures developed in other CFEC impacted regions around the state;
- Developing performance measures that are appropriate for each jurisdiction. For example, transit-related performance measures and targets are likely to be different for Eugene and



- Springfield;
- Ensuring alignment between performance measures and outcomes desired from CLSP strategies; and
- Developing performance measures that use readily available data, that can be understood by all audiences, and that are not overly complicated to estimate.

The project team reviewed performance measures in the RTP to identify existing regional measures that are relevant to the CLSP strategies. Other sample measures from Oregon Revised Statutes 660-012-0905 (2) and additional measures suggested by jurisdiction staff and the project team were also considered. The project team used this information to develop a draft list of performance measures and is refining them through an iterative feedback process. The project team has analyzed the alignment of existing performance measures with the CLSP strategies to ensure broad coverage.

The project team has grouped the performance measures according to the CLSP's seven strategy areas. The measures below have been reviewed by both local jurisdictions and are supported by the MPC.

Recommended Performance Measures

Recommended Performance Measure And Description	Relevant CLSP Strategy Area(s)	Tracking Approach
Active transportation network completeness Implement current 2050 planned network.	<ul style="list-style-type: none"> • Active Transportation • Transit 	Percent increase of active transportation network.
Shared micromobility trips taken Increase shared micromobility (such as bike and scooter) trips.	<ul style="list-style-type: none"> • Active Transportation • Transit 	Number of shared micromobility trips originating within jurisdiction.
Access to jobs and services through active transportation Number of jobs and services accessible by active transportation within a reasonable travel time from Climate-Friendly Areas.	<ul style="list-style-type: none"> • Active Transportation 	Consistent with RTP Access to Jobs and Access to Services measures.
Mode share Increased diversion to non-drive-alone trips.	<ul style="list-style-type: none"> • Active Transportation • Transit • Pricing • Parking Management • Education and Marketing 	Extract mode share for non-drive alone trips from regional travel demand model.
Household Vehicle Miles Traveled (VMT) Household based VMT.	<ul style="list-style-type: none"> • Active Transportation • Transit • Pricing • Parking Management • Education and Marketing 	Extracted household based VMT from Regional Travel Model.
Level of transit service Total annual revenue miles per capita.	<ul style="list-style-type: none"> • Transit 	Total annual revenue miles divided by population.



Recommended Performance Measure And Description	Relevant CLSP Strategy Area(s)	Tracking Approach
Access to high capacity transit Number of households within a quarter mile of the Frequent Transit Network.	<ul style="list-style-type: none"> Transit 	Percent of households within ¼ mile of Frequent Transit Network.
Transit stops intersecting with pedestrian facilities Number of transit stops intersecting with pedestrian facilities, such as sidewalks, shared use paths and crosswalks.	<ul style="list-style-type: none"> Active Transportation Transit 	Addition of completed pedestrian projects.
Number of parking stalls per capita within CFAs Maintain current number of parking stalls per person available within Climate-Friendly Areas.	<ul style="list-style-type: none"> Parking Management 	Additional parking stalls within CFAs.
Employer and employee group pass program participation Number of employees who used a discounted pass through the group pass program and total number of employees offering access to discounted passes through the group pass program.	<ul style="list-style-type: none"> Education and Marketing 	Number of employees who used a group pass and number of employers offering a group pass.

Next Steps

The consultant team is developing draft targets for each jurisdiction using the recommended performance measures in the table above. The draft targets will be reviewed by the project team in December 2024 and January 2025. After the performance measures and targets are approved by the jurisdictions, the team will develop the Implementation Chapter and bring the draft to MPC for feedback and approval in spring 2025.



CENTRAL LANE SCENARIO PLAN IMPLEMENTATION

Fall/Winter 2024 Update

Presenter:

- Tracy Lundsford, Parametrix
- Brian Hurley, ODOT Climate Office

AGENDA

- Overview of Work
- Recommended Performance Measures
- Targets
- Next Steps



OVERVIEW OF WORK



PHOTO BY YOANN SILOINE
VIA UNSPLASH

PURPOSE

This process charts a path for the region to meet its **greenhouse gas (GHG) reduction target** set in OAR 660-044-0025

GHG targets are per capita and measured against a 2005 base year

This process implements the region's 2015 Central Lane Scenario Plan

2040	-20%
2041	-21%
2042	-22%
2043	-23%
2044	-24%
2045	-25%
2046	-26%
2047	-27%
2048	-28%
2049	-29%
2050	-30%



OUTCOMES

This process will result in:

- ✓ **Refreshed 2015 Preferred Scenario:** updated scenario that reflects current plans to support implementation
- ✓ **Performance measures and targets:** track progress towards implementing the preferred scenario
- ✓ **Scenario report:** strategy actions and reporting schedule to reduce emissions and increase equitable outcomes
- ✓ **Local targets:** targets to inform update of transportation system plans

REPORTING REQUIREMENTS

Major Report: Due the years the region adopts a Regional Transportation Plan. Includes:

- Status of the measures and progress toward target
- Policy Actions: Changes to policies and regulations that have been made to help meet the targets
- Corrective Actions: Strategies to improve performance (if relevant) for any measure that does not meet the target
- Frequency: Central Lane MPO adopts a Regional Transportation Plan every four years

Minor Reports: Due each year, essentially a short narrative on progress.

ROLES AND RESPONSIBILITIES

- ✓ **LCOG** provides regional coordination and facilitation, as well as data support
- ✓ **Project Management Team** (Staff from Coburg, Eugene, Springfield, Lane County, Lane Transit District, and LCOG) collaborate on day-to-day project management
- ✓ **Metropolitan Policy Committee** meets at key points to confirm direction, provide guidance, and approve:
 - Performance measures and targets
 - CLSP Implementation Chapter
 - Identify corrective actions to ensure targets are being met
- ✓ **ODOT and DLCD** provide financial and technical support for the jurisdictions and contract management



PHOTO BY WILLIAM WARBY
VIA UNSPLASH

PERFORMANCE MEASURES

PERFORMANCE MEASURES

- Develop and report on performance measures related to an approved scenario plan
- Region and individual jurisdictions need **performance measures with targets** that measure progress towards the Central Lane Scenario Plan
 - No specific performance measures required
 - Performance measures are ideally aligned with Preferred Scenario strategies
 - Are not required for each strategy
 - Flexibility to choose performance measures that make sense for the region and jurisdictions
- Project team has developed recommended performance measures in collaboration with local jurisdictions

2015 PREFERRED SCENARIO - STRATEGIES

Investment Area	Strategies
Transit	<ul style="list-style-type: none">• Support a stable source of funding for transit capital and O&M• Support full implementation of the Frequent Transit Network (FTN)• Encourage new development along FTN corridors• Comprehensive transit access improvements• Increased service frequencies and expanded service hours• Improve rider experience
Parking Management	<ul style="list-style-type: none">• Increase fees for long term parking• Allow developers greater flexibility in providing parking
Education and Marketing	<ul style="list-style-type: none">• Expand individual marketing programs• Support efficient driving practices• Expand car sharing, participation in commute trip reduction programs, and transit pass programs• Support implementation of statewide travel options plans and programs

2015 PREFERRED SCENARIO - STRATEGIES

Investment Area	Strategies
Active Transportation	<ul style="list-style-type: none">• Build cycling/walking strategies in long range plans• Dedicate greater share of funding to cycling/walking• Implement bike share• Developer incentives for high-quality cycling/walking facilities• Expand Safe Routes to School Programs• Overall encouragement of healthy, walkable neighborhoods
Fleet and Fuels	<ul style="list-style-type: none">• No specific strategies beyond adopted federal or state standards
Pricing	<ul style="list-style-type: none">• Support for transition to road usage charge fee and additional transportation fees to support investments• Support efforts to transition to “pay as you drive” insurance• Support increases in the state and local fuel tax
Roads	<ul style="list-style-type: none">• Implement existing plans including roadway optimization techniques (e.g., ramp metering, access management)

PERFORMANCE MEASURES

- What does a good performance measure look like?
 - Measurable / quantifiable
 - Leverages readily available data
 - Aligns with data analysis efforts
 - Is directly relevant to the outcome being monitored
 - Intuitive to broader audience
- Existing performance measures in the RTP, Federal PMs, OARs are good starting point
- Manageable number of PMs



RECOMMENDED DRAFT PERFORMANCE MEASURES

Revised Draft Performance Measures	CLSP Categories
Active transportation network completeness	Active transportation
Shared micromobility trips taken	Active transportation
Access to jobs and services through active transportation	Active transportation
Mode share	Active transportation Transit Pricing
Household VMT	Active transportation Transit Pricing
Level of transit service	Transit
Access to high-capacity transit	Transit
Transit stops intersecting with pedestrian facilities	Transit Active Transportation
Number of parking stalls per person within Climate Friendly Areas	Parking management
Employer and employee group pass program participation	Education and marketing

Will apply “equity lens” to certain measures to track equitable outcomes. For example: active transportation network completeness ***within traditionally underserved communities***

These measures were reviewed and supported by the MPC in August 2024

TARGETS

- Targets must be set for each reporting year for each performance measure
 - Targets must be reasonably likely to achieve regional performance targets from scenario plan
- Must also set targets for equity performance measures
- City staff with support from consultants will develop targets





PHOTO BY MARCO BIANCHETTI
VIA UNSPLASH

NEXT STEPS

NEXT STEPS

- **Project team working on:**
 - Developing draft targets for each performance measure
 - Drafting strategy updates for Implementation Chapter of scenario plan in early 2025
- Continued engagement with jurisdictional staff and touch points with the MPC until approval of the final Implementation Chapter in spring 2025

For additional questions or comments, please contact Kelly Clarke,
LCOG: KCLARKE@Lcog.org

THANK YOU



AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Work Session
	Staff Contact/Dept:	Candace Steffen/Human Resources
	Staff Phone No:	
	Estimated Time:	30 Minutes
	Council Goals:	Financially Responsible and Stable Government Services

ITEM TITLE:
Council Appointed Employee Compensation (2024)

ACTION REQUESTED:
Discuss City Manager compensation and ratify a wage increase.

ISSUE STATEMENT:
Nancy Newton's employment contract requires HR to meet with City Council with the intent of submitting a recommendation regarding a salary or cost of living adjustment.

DISCUSSION/FINANCIAL IMPACT:
According to Mrs. Newton's contract, City Council shall give consideration to a wage adjustment on an annual basis. To assist Council in that consideration, included is as an attachment is the average of four indexes to determine what amount, if any, of a cost-of-living adjustment to recommend to City Council (ATT1). The overall average of these indices is 3.70%.

Though not required by contract, HR also reviewed the compensation of City Managers in similarly sized Oregon cities (ATT2). This data gives us a benchmark to measure the market competitiveness of Mrs. Newton's wage. According to the larger sample salary survey data, Mrs. Newton's total compensation package is currently 11.9% below the market median.

Considering the index information and the comparable market data, Council should consider, but is not limited to, the following possible options regarding an adjustment to the City Manager's compensation.

1. A wage increase based on the average annual index of 3.70% retroactively applied to the 7/1/24 pay period with a FY25 budget impact of \$8,892.
2. A wage increase that includes an adjustment for the average annual index (3.7%) and an additional market adjustment of 8.2% to stay market competitive, retroactively applied to the 7/1/24 pay period with a FY25 budget impact of \$28,596.68
3. A wage increase based on the average annual index of 3.7%, retroactively applied to 7/1/24 and an additional market adjustment of 8.2% applied to 1/1/25 with a FY25 budget impact of \$19,109.

Attachments

ATT1_Salary_Indexes
ATT2_CM_Comp_Survey_2024

Base Salary Increases	2024 Actual
Social Security Cost of Living Adjustment (2023)	3.20%
National Index, All Employees	3.90%
National Index, Officers/Executives	3.80%
CPI-W, Pacific Division	3.90%
Average	3.70%

City Manager Compensation Study - September 2024

Agency	Population	Monthly Base Wage	Deferred Comp	Retirement/ PERS PICKUP	VEBA	Car Stipend	Cell Phone Stipend	Adj. Base Wage	Ranking	% Gap
*Eugene	178,259	\$23,863	\$1,250	\$1,432	\$0	\$498	\$65	\$27,108	0	31.8%
Beaverton	99,464	\$23,583	\$0	\$1,415	\$707	\$500	\$0	\$26,205	1	27.5%
Tigard	55,539	\$20,247	\$810	\$2,227	\$83	\$500	\$360	\$24,227	2	17.8%
Corvallis	59,434	\$19,433	\$2,332	\$1,166	\$267	\$0	\$75	\$23,273	3	13.2%
Bend	102,834	\$20,430	\$431	\$1,226	\$333	\$500	\$80	\$23,000	4	11.9%
Medford	88,357	\$19,425	\$583	\$1,166	\$500	\$500	\$0	\$22,173	5	7.8%
Springfield	62,189	\$18,205	\$728	\$1,092	\$200	\$290	\$45	\$20,561	6	
Albany	57,322	\$17,045	\$1,705	\$1,023	\$167	\$0	\$80	\$20,019	7	-2.6%
*Not Included in Median Calculation										
Median		\$19,433	\$728	\$1,166	\$267	\$500	\$75	\$23,000		11.9%

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Regular Meeting
	Staff Contact/Dept:	Jessica Mumme/Finance
	Staff Phone No:	
	Estimated Time:	Consent Calendar
	Council Goals:	Financially Responsible and Stable Government Services

ITEM TITLE:

Contracts Over Winter Recess

ACTION REQUESTED:

Adopt/Not Adopt the following Resolution: A resolution authorizing the City Manager to award contracts exceeding \$100,000 and approve amendments to public contracts exceeding levels in Springfield Municipal Code section 2.706(3) in conformance with all other applicable requirements of the Springfield Municipal Code and Oregon Public Contracting Law during the period commencing December 3, 2024 and continuing through January 5, 2025 while the Common Council is in recess.

ISSUE STATEMENT:

During the City Council's winter recess, the City will need to award contracts that exceed the City Manager's signature authority and may need to approve amendments to public contracts where the amendment cost exceeds the limits imposed by Springfield Municipal Code Section 2.706 (3). These actions are normally approved by the Council. To allow City business to proceed as usual during the recess, the Council may want to authorize the City Manager to approve such actions.

DISCUSSION/FINANCIAL IMPACT:

The Municipal Code sets administrative limits on the City Manager's signature authority to make purchases and award contracts. Council authorization is required for amounts greater than the intermediate threshold. Section 2.706(3) of the Springfield Municipal Code prohibits amendments to public contracts where the amendment cost exceeds certain limits imposed by the Code except in certain cases of City Council approval. For the duration of the Council's 2024-2025 winter recess, staff suggests that the Council authorize the City Manager to approve competitive bid contracts that exceed the intermediate procurement threshold, Requests for Proposals, other personal services contracts exempt from bidding requirements under the purchasing regulations, and to approve amendments to public contracts where the amendment cost exceeds the limits imposed by Section 2.706 (2)(c) without Council approval. All expenditures have been budgeted and all purchasing provisions of the Municipal Code are to be followed. City Manager authorization will allow projects to stay on schedule, public service to continue uninterrupted, and limit the City's exposure.

Attachments

ATT1 Contracts Over Winter Recess

ATT2 Resolution Contracts Over Winter Recess

The following is a list of winter recess contract awards currently anticipated. Other contracts or amendments may come up during recess which will need to be actioned. **Council recess is December 3, 2024 through January 5, 2025.**

Project Name	Approximate Dollar Value	Department	Contact	Estimate of when contract will be ready for award:
Harbor Drive Consultant Design Contract (#S3727 Proposals Due 11-15-2024)	\$250,000 to \$450,000	DPW	Amanda Clinton	Early December
Lane County HUD IGA FY24-FY25	\$160,000	DPW	Amanda Clinton & Erin Fifield	Mid December
CDBG IGA FY24-FY25	\$83,000	DPW	Amanda Clinton & Erin Fifield	Mid December
FY24-FY25 HUD - CDBG Grant Agreement	\$534,243	DPW	Amanda Clinton & Erin Fifield	Mid December
42nd Street Levee Agreement with Corps of Engineers	\$447,055	DPW	Ken Vogeney	End of December

**CITY OF SPRINGFIELD, OREGON
RESOLUTION NO. _____**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD CONTRACTS EXCEEDING \$100,000 AND APPROVE AMENDMENTS TO PUBLIC CONTRACTS EXCEEDING LEVELS IN SPRINGFIELD MUNICIPAL CODE SECTION 2.706(3) IN CONFORMANCE WITH ALL OTHER APPLICABLE REQUIREMENTS OF THE SPRINGFIELD MUNICIPAL CODE AND OREGON PUBLIC CONTRACTING LAW DURING THE PERIOD COMMENCING DECEMBER 3, 2024 AND CONTINUING THROUGH JANUARY 5, 2025 WHILE THE COMMON COUNCIL IS IN RECESS.

WHEREAS, Springfield Municipal Code (SMC) section 2.704(1)(a), "Contracting Authority and Responsibilities," limits the City Manager's authority to make purchases and award contracts to those less than \$100,000, without additional authorization from the City Council acting as the local contract review board;

WHEREAS, SMC 2.706(3) and 2.706(4) prohibit amendments to public contracts where the amendment cost exceeds certain limits, except when approved by the City Council acting as the local contract review board;

WHEREAS, delaying approval for all purchases and agreements until the Council meeting on January 6, 2025 may waste valuable time, increase the City's exposure to delays, increase costs, and reduce public service;

WHEREAS, there may occur the need to execute contracts exceeding \$100,000 for which funds have been budgeted and that for reasons of public welfare, safety, and cost effectiveness need to be awarded during the Council's winter recess commencing December 3, 2024 and continuing through January 5, 2025; and

WHEREAS, there may occur the need to amend contracts where the amended cost exceeds certain specified limits during the Council winter recess commencing December 3, 2024 and continuing through January 5, 2025,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD AS FOLLOWS:

Section 1: The City Manager is hereby authorized to award the following contracts and contract amendments for which funds have been budgeted, and that for reasons of public welfare, safety, and cost effectiveness need to be awarded during the Council's summer recess, provided that all other applicable requirements in the Springfield Municipal Code and Oregon Public Contracting Code are followed:

- A. Contracts in excess of \$100,000 based on competitive sealed bids or competitive sealed proposals;
- B. Contracts in excess of \$100,000 that are otherwise exempt from being awarded based on competitive sealed bids or competitive sealed proposals by applicable provisions of the Springfield Municipal Code or Oregon Public Contracting Code; and
- C. Amendments to contracts that exceed the monetary limits imposed by SMC 2.706(3).

Section 2: The authorization provided in Section 1 supplements and is in addition to, and not in lieu of, the City Council's authority.

Section 3: This Resolution will take effect on December 3, 2024 and continue through January 5, 2025.

Adopted by the Common Council of the City of Springfield this 2nd day of December 2024 by a vote of _____ for and _____ against.

ATTEST:

Allyson Pulido, City Recorder

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Regular Meeting
	Staff Contact/Dept:	Jeremy Sherer/Community Development
	Staff Phone No:	
	Estimated Time:	Consent Calendar
	Council Goals:	Mandate

ITEM TITLE:

Oregon National Flood Insurance Program-Endangered Species Act Integration/ Pre-implementation Compliance Measures (PICM)

ACTION REQUESTED:

A RESOLUTION TO SELECT ADOPTION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA'S) MODEL FLOODPLAIN MANAGEMENT ORDINANCE AS THE CITY OF SPRINGFIELD'S PRE-IMPLEMENTATION COMPLIANCE MEASURE PATHWAY

ISSUE STATEMENT:

Participation in the National Floodplain Insurance Program through FEMA requires that the City adopt and begin the process of implementing measures that are compliant with the Endangered Species Act within the City's Special Flood Hazard Areas

DISCUSSION/FINANCIAL IMPACT:

BACKGROUND:

In 2023, FEMA was found not to have taken any meaningful actions to implement the 2016 Biological Opinion developed in coordination with the National Marine Fisheries Service (NMFS), Consequently, the City of Springfield received a notice from the Federal Emergency Management Agency (FEMA) dated July 15, 2024, requiring the City to adopt short-term rules, aka PICM, in the Special Flood Hazard Areas to come into compliance with the Endangered Species Act (ESA).

FEMA expects communities to enact a path from its Pre-Implementation Compliance Measures (PICM) to implement the 2016 BiOp. Continued participation in the National Flood Insurance Program will require the City of Springfield to update rules and regulations for floodplain development.

ACTION

Choose a PICM pathway by December 1, 2024:

1. Prohibit all new development in the floodplain.
2. Model Ordinance. Incorporate the ESA into local floodplain ordinances.
3. Permit by Permit. Require permit applications to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area will achieve "no net loss."

FINANCIAL IMPACT: The financial impact on development will vary, depending on the path chosen. Based on current information from FEMA, a simple habitat assessment may cost as much as \$8,000 and \$30,000 or more for a larger project. There is additional cost to construct and maintain the mitigated site. Additionally, staff time and training will also be a factor. The fees for review will increase because the city doesn't have the capability or capacity to review a Habitat Assessment, so the cost of a third-party review will be required.

RECOMMENDATION

Planning Staff and the City Attorney recommend pathway 2, Model Ordinance

ALTERANTIVES:

Choose pathway #1 or #3

Attachments

1. PICM Resolution
2. PICM Model Ordinance

**CITY OF SPRINGFIELD, OREGON
RESOLUTION NO. _____**

**A RESOLUTION TO SELECT ADOPTION OF THE FEDERAL EMERGENCY MANAGEMENT
AGENCY’S (FEMA’S) MODEL FLOODPLAIN MANAGEMENT ORDINANCE AS THE CITY OF
SPRINGFIELD’S PRE-IMPLEMENTATION COMPLIANCE MEASURE PATHWAY**

WHEREAS, in 2009, lawsuits brought by environmental advocacy organizations alleged that FEMA violated the Endangered Species Act by not consulting with National Marine Fisheries Services (NMFS) about how the National Flood Insurance Program (NFIP) could jeopardize threatened species;

WHEREAS, to resolve the lawsuits, FEMA consulted with NMFS to review the impact of NFIP;

WHEREAS, as a result of the consultation, NMFS issued a Biological Opinion concluding that the NFIP in Oregon jeopardizes the survival of several threatened species, including salmon, sturgeon, eulachon, and orcas;

WHEREAS, in October 2021, FEMA issued a draft implementation plan on how to reduce the negative impacts of the NFIP on threatened species;

WHEREAS, in 2023, FEMA started reviewing the draft implementation plan using a National Environmental Policy Act (NEPA) process which continues today;

WHEREAS, in September 2023, environmental advocacy organizations filed a lawsuit alleging that FEMA has been too slow to implement the NMFS Biological Opinion;

WHEREAS, in July 2024, FEMA sent letters to cities and counties in Oregon, including the City of Springfield (the City), instructing them to make short-term changes to how they regulate development in flood hazard areas;

WHEREAS, the short-term changes that FEMA requires the City to make are also referred to as pre-implementation compliance measures or PICM;

WHEREAS, the required changes are referred to as “short-term” and “pre-implementation” because the changes are necessary in the interim period and until FEMA fully implements long-term changes to the NFIP to comply with the Endangered Species Act; and

WHEREAS, on November 12, 2024, the City Council held a work session on the three PICM pathways and City Council directed staff to return with a resolution to document the Council’s choice to adopt FEMA’s model floodplain management ordinance, attached as Exhibit A,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD:

Section 1: The City of Springfield hereby selects implementation of FEMA’s model floodplain management ordinance as the City’s pre-implementation compliance measure pathway.

Section 2: The City Manager or designee will:

A. Provide a copy of this Resolution to FEMA;

- B. Stay in regular contact with FEMA on the City's progress toward adoption and implementation of the model ordinance on or before July 31, 2025;
- C. Provide regular reporting to FEMA on development in the City's special flood hazard area, as specified by FEMA;
- D. Continue to stay abreast of any updates or changes in direction from FEMA;
- E. Coordinate with the City's partnership jurisdictions; and
- F. Report back to the Council for direction, as needed.

Section 3: This Resolution will take effect upon adoption by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield this ____ day of _____, 2024, by a vote of ____ for and ____ against.

ATTEST:

City Recorder



NFIP Oregon Implementation Program Guidance

Model Floodplain Management Ordinance

For Participating Communities in the
Implementation Plan Area



FEMA

Federal Emergency Management Agency
Region 10
Department of Homeland Security
130 – 228th Street SW
Bothell, WA 98021

Note to Communities: This document presents the draft model ordinance that for the Pre-Implementation Compliance Measures and is intended to closely represent most of the language that will be presented as Pathway A of the Draft Implementation Plan. It is built off the 2020 State of Oregon Model Flood Hazard Management Ordinance and the 2018 iteration of the Oregon Model ordinance for ESA Integration. It reflects the NMFS 2016 Biological Opinion (BiOp) (except where noted) and is informed by the 2023 NEPA Scoping effort.

Table of Contents

SECTION 1. Introduction	1-1
1.1. How to Use this Document.....	1-2
1.1.1. Ordinance Language Legend:	1-3
1.2. Changes from the 2020 Oregon Model Flood Hazard Management Ordinance	1-3
1.3. Community Rating System	1-4
SECTION 2. Regulatory Crosswalk	2-1
SECTION 3. Model Ordinance Language	3-1

Acronyms and Abbreviations

BiOp	Biological Opinion
CFR	Code of Federal Regulations
CLOMR	Conditional Letter of Map Revision
CRS	Community Rating System
dbh	diameter breast height
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
LID	Low-Impact Development
LOMR	Letter of Map Revision
MHHW	Marine Higher-High Water line
NFIP	National Flood Insurance Program
NMFS	National Marine Fisheries Service
OHWM	Ordinary High Water Mark
ORS	Oregon Revised Statutes
ORSC	Oregon Residential Specialty Code
OSSC	Oregon Structural Specialty Code
RBZ	Riparian buffer zone
SFHA	Special Flood Hazard Area
TB	Technical Bulletin

SECTION 1. Introduction

FEMA has developed this model flood hazard management ordinance (“2024 model ordinance”) to address the requirements outlined in the Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration in Oregon (“Oregon Implementation Plan”). The Federal Emergency Management Agency (FEMA) consulted with the National Marine Fisheries Service (NMFS) on potential effects of the implementation of the NFIP in Oregon on listed species under NMFS authority. In 2016, NMFS issued a Biological Opinion (BiOp), which recommended changes to the implementation of the NFIP in Oregon within the plan area (see the 2024 Draft Oregon Implementation Plan for NFIP-ESA Integration [2024 Draft Implementation Plan] for a description of the plan area).

As a result of the BiOp issued by NMFS, communities are required to demonstrate how floodplain development is compliant with the Endangered Species Act in the SFHA while the 2024 Draft Implementation Plan undergoes an Environmental Impact Statement (EIS). The 2024 model ordinance provides the tools a community would need to implement “Path A” of the 2024 Draft Implementation Plan and serves as one of three actions a community can take under Pre-Implementation Compliance Measures (PICM).

The regulatory language contained within the 2024 model ordinance can be adopted verbatim and incorporated into local floodplain and land use regulations, or a community may select those sections that are missing from its current floodplain ordinance and adopt those sections. The State of Oregon’s Model Flood Hazard Management Ordinance (2020) was used as a starting point, with additions to provide compliance with the Oregon Implementation Plan. The additional sections are clearly noted with yellow highlighting to simplify implementation for Oregon communities in the plan area that have already adopted the Oregon Model Flood Hazard Management Ordinance (2020).

This 2024 model ordinance provides a set of provisions to protect the built environment from flood damage and to minimize potential impacts of construction and reconstruction on public health and safety, property, water quality, and aquatic and riparian habitats. The requirements pertain to new development in Special Flood Hazard Area (see definitions), which includes the maintenance, repair, or remodel of existing structures and utilities when the existing footprint is expanded and/or the floodplain is further encroached upon.

The Oregon Implementation Plan and this model ordinance do not change the definition of development in 44 Code of Federal Regulations [CFR] 59.1.

“Development” is defined as “any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.” (44 C.F.R. 59.1)

The 2024 model ordinance provides compliance with federal and state statutes and with the Oregon Implementation Plan. The 2024 model ordinance conforms to the following:

1. The requirements of the NFIP, as specified in 44 CFR 59 and 60.
2. Oregon State codes to protect structures from flood damage that are specified in Oregon Structural Specialty Code (OSSC), Section 1612 and Oregon Residential Specialty Code (ORSC), Section R322.
3. Oregon Statewide Land Use Planning Goals
4. Provisions needed to meet the requirements of the Oregon Implementation Plan for NFIP-ESA Integration. These sections are highlighted in yellow in the model ordinance.

This 2024 model ordinance provides communities with ordinance language that complies with the NFIP-ESA Integration Implementation Plan. Adoption of the ordinance language will ensure compliance with the minimum standards for participation in the NFIP in the plan area in Oregon. Prior to adoption of the ordinance language, communities must have their locally proposed draft language reviewed by FEMA and/or the Oregon Department of Land Conservation and Development.

The model flood hazard ordinance includes standards and provisions that encourage sound floodplain management. The language is based on the minimum requirements of the NFIP found in 44 CFR 59 and 60, Oregon's statewide land use planning Goal 7, and Oregon specialty codes. The new language added to the state model floodplain ordinance, highlighted in yellow, provides compliance with the ESA for floodplain development in the plan area.

Adherent to the NMFS 2016 Biological Opinion, mitigation is necessary to ensure a no net loss in floodplain functions. FEMA's 2024 Draft Oregon Implementation Plan identifies proxies that provide measurable actions that can prevent the no net loss of the parent floodplain functions. These proxies include undeveloped space, pervious surfaces, and trees to account for a no net loss in respective floodplain functions of floodplain storage, water quality, and vegetation. Mitigation of these proxies must be completed to ensure compliance with no net loss standards. No net loss applies to the net change in floodplain functions as compared to existing conditions at the time of proposed development and mitigation must be addressed to the floodplain function that is receiving the detrimental impact.

1.1. How to Use this Document

This 2024 model ordinance includes a Table of Contents and a Regulatory Crosswalk that identifies the federal and state standards that align to and are reflected in each section. Communities will need to review their ordinances and ensure that all the required components are included.

Please refer to [FEMA's website](#) for information on how to determine whether or not your community is within the plan area.

1.1.1. ORDINANCE LANGUAGE LEGEND:

The colors are used in the text in the model ordinance to denote specific actions or sections with specific applicability.

- Black: Represents the existing NFIP and current state minimum requirements that are found in the 2020 Oregon Model Flood Hazard Management Ordinance.
- Red: Represents language that must be replaced with community specific information. Only include the appropriate language for your community.
- Purple: Represents language required for communities with Coastal High Hazard Areas mapped by FEMA (V Zones or Coastal A Zones). (DELETE ALL PURPLE LANGUAGE IF NOT A COASTAL COMMUNITY).
- Blue: Represents hyperlinks to other sections of the document or external websites.
- Yellow highlighting: Represents new ordinance language not in the 2020 Oregon Model Flood Hazard Management Ordinance. Communities that have previously adopted the state model ordinance may focus on the yellow highlighted sections.

1.2. Changes from the 2020 Oregon Model Flood Hazard Management Ordinance

This 2024 version of the Oregon Model Flood Hazard Ordinance (to be referred to herein as the “2024 Model Ordinance”), varies from the 2020 Oregon Model Flood Hazard Management Ordinance. with the addition of new content to be included for ESA compliance for NFIP-participating communities in the plan area. If no part of the Special Flood Hazard Area (SFHA) in your NFIP-participating community is in the Oregon NFIP-ESA Integration plan area, your community may continue to use the 2020 Oregon Model Flood Hazard Management Ordinance.

In general, the ordinance was revised to ensure that the implementation of the NFIP-ESA integration no net loss standards avoids or offsets adverse impacts on threatened and endangered species and their critical habitat. A summary of the primary changes found in the 2024 model ordinance is provided below:

1. New language has been added to incorporate the following no net loss standards:
 - a. No net loss of undeveloped space (see Section 6.1.1).
 - b. No net loss of pervious surface. (see Section 6.1.2).
 - c. No net loss of trees equal to or greater than 6 inches dbh (i.e., tree diameter measured at 4.5 feet from the ground surface). (see Section 6.1.3).

2. Some definitions (see 2.0) have been added to provide context for the new no net loss standards from the Oregon Implementation Plan.
3. Language has been added:
 - a. (see 6.3) to address activities that may require a floodplain development permit but are exempt from the no net loss requirement per the BiOp.
 - b. (see 6.4) to address the specific requirements of the Riparian Buffer Zone (RBZ).
4. In general, the language in the 2024 model ordinance mirrors the language from the 2020 Oregon Model Flood Hazard Management Ordinance. Minor edits to the 2020 language have been made for clarity, punctuation, and grammar.

1.3. Community Rating System

Implementation of the new no net loss standards related to NFIP-ESA integration may be eligible for credit under the Community Rating System (CRS). The CRS is explained further in CRS Credit for Habitat Protection, available online at: <https://crsresources.org/files/guides/crs-credit-for-habitat-protection.pdf>, and the 2017 CRS Coordinators' Manual, available online at: https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinators-manual_2017.pdf, and the 2021 Addendum to the 2017 CRS Coordinator's Manual, available online at: https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinator-manual_addendum-2021.pdf. The Association of State Floodplain Managers' Green Guide, also provides useful information on development techniques that avoid impacts on natural functions and values of floodplains. This document is available at: www.floodsciencecenter.org/products/crs-community-resilience/green-guide/. Communities interested in CRS credits should contact their CRS specialist for additional information and review.

Implementation of the no net loss standards would most likely contribute to credits under the following CRS activities:

- Activity 430 Higher Regulatory Standards
 - Development Limitations
 - Prohibition of all fill (DL1a): This credit is for prohibiting all filling in the regulatory floodplain. To meet this standard, communities may NOT approve Conditional Letters or Letters of Map Revision based on Fill (CLOMR-F or LOMR-F). If a CLOMR-F or LOMR-F is issued for a property in a community, then DL1 credit will be denied. This applies to CLOMRs and LOMRs that include filling as part of the reason for requesting a map change. Minor filling may be allowed where needed to protect or restore natural floodplain functions, such as part of a channel restoration project.

- The CRS manual describes a number of regulatory approaches that do not warrant credit under DL1; however, because the Oregon NFIP-ESA integration no net loss standards exceed the approaches described in the manual, a community meeting the Oregon no net loss standards should qualify for credit under DL1.

- Compensatory storage (DL1b): This credit is for regulations that require new development to provide compensatory storage at hydraulically equivalent sites up to a ratio of 1.5:1. Credit is not provided for:

- Compensatory storage requirements in floodways only or in V Zones only, or

- Stormwater management regulations that require a developer to compensate for any increase in runoff created by the development. This is credited under Activity 450.

- Activity 450 Stormwater Management

- Stormwater management regulations (SMR – 452a): This credit is the sum of four sub-elements: Size of development (Section 452.a(1), SZ); design storm used (Section 452.a(2), DS); low-impact development (LID) regulations (Section 452.a(3), LID); and public agency authority to inspect and maintain, at the owner's expense, private facilities constructed to comply with the ordinance (Section 452.a.(4), PUB).

- LID credits the community's regulatory language that requires the implementation of LID techniques to the maximum extent feasible to control peak runoff when new development occurs. LID techniques can significantly reduce or eliminate the increase in stormwater runoff created by traditional development, encourage aquifer recharge, and promote better water quality.

SECTION 2. Regulatory Crosswalk

The following table presents a crosswalk of the model ordinance sections against the relevant federal and state laws, regulations, and policies. The new sections related to the Oregon NFIP-ESA integration implementation (yellow highlighted sections of the model ordinance) are not listed in this table and are related to compliance with the ESA.

Ordinance Section	44 CFR and Technical Bulletin (TB) Citation(s)	State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])
1.1 Statutory Authorization	59.22(a)(2)	Goal 7; ORS 203.035 (Counties), ORS 197.175 (Cities)
1.2 Findings of Fact	59.22(a)(1)	Goal 7
1.3 Statement of Purpose	59.2; 59.22(a)(1) and (8); 60.22	Goal 7
1.4 Methods of Reducing Flood Losses	60.22	Goal 7
2.0 Definitions	59.1; 33 CFR 328.3(c)(7)	Goal 7
3.1 Lands to Which this Ordinance Applies	59.22(a)	Goal 7
3.2 Basis for Establishing the Special Flood Hazard Areas	59.22(a)(6); 60.2(h)	Goal 7
3.3 Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division		ORS 455
3.4.1 Compliance	60.1(b) – (d)	Goal 7
3.4.2 Penalties for Noncompliance	60.1(b) – (d)	Goal 7
3.5.1 Abrogation	60.1(b) – (d)	Goal 7
3.5.2 Severability		
3.6 Interpretation	60.1(b) – (d)	Goal 7
3.7.1 Warning		
3.7.2 Disclaimer of Liability		
4.1 Designation of the Floodplain Administrator	59.22(b)(1)	Goal 7
4.2.1 Permit Review	60.3(a)(1) – (3); 60.3(c)(10)	Goal 7
4.2.2 Information to be Obtained and Maintained	59.22(a)(9)(iii); 60.3(b)(5)(i) and (iii); 60.3(c)(4); 60.3(b)(3); 60.6(a)(6)	Goal 7; 105.9; 110.33; R106.1.4; R109.1.3; R109.1.6.1; R322.1.10; R322.3.6

Ordinance Section	44 CFR and Technical Bulletin (TB) Citation(s)	State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])
4.2.3.1 Community Boundary Alterations	59.22(a)(9)(v)	Goal 7
4.2.3.2 Watercourse Alterations	60.3(b)(6) – (7), 65.6(12-13)	Goal 7
4.2.3.3 Requirement to Submit New Technical Data	65.3, 65.6, 65.7, 65.12	Goal 7
4.2.4 Substantial Improvement and Substantial Damage Assessments and Determinations	59.1; 60.3(a)(3); 60.3(b)(2); 60.3(b)(5)(i); 60.3(c)(1), (2), (3), (5) – (8), (10), (12); 60.3(d)(3); 60.3(e)(4), (5), (8)	Goal 7
4.3.1 Floodplain Development Permit Required	60.3(a)(1)	Goal 7
4.3.2 Application for Development Permit	60.3(a)(1); 60.3(b)(3); 60.3(c)(4)	Goal 7; Oregon Residential Specialty Code (R) 106.1.4; R322.3.6
4.4 Variance Procedure	60.6(a)	Goal 7
4.4.1 Conditions for Variances	60.6(a)	Goal 7
4.4.2 Variance Notification	60.6(a)(5)	Goal 7
5.1.1 Alteration of Watercourses	60.3(b)(6) and (7)	Goal 7
5.1.2 Anchoring	60.3(a)(3); 60.3(b)(1), (2), and (8)	Goal 7; R322.1.2
5.1.3 Construction Materials and Methods	60.3(a)(3), TB 2; TB 11	Goal 7; R322.1.3; R322.1.3
5.1.4.1 Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems	60.3(a)(5) and (6)	Goal 7; R322.1.7
5.1.4.2 Electrical, Mechanical, Plumbing, and Other Equipment	60.3(a)(3)	Goal 7; R322.1.6;
5.1.5 Tanks		R322.2.4; R322.3.7
5.1.6 Subdivision Proposals	60.3(a)(4)(i) – (iii); 60.3(b)(3)	Goal 7
5.1.7 Use of Other Base Flood Data	60.3(a)(3); 60.3(b)(4); 60.3(b)(3); TB 10-01	Goal 7; R322.3.2
5.1.8 Structures Located in Multiple or Partial Flood Zones		R322.1
5.2.1 Flood Openings	60.3(c)(5); TB 1; TB 11	Goal 7; R322.2.2;

Ordinance Section	44 CFR and Technical Bulletin (TB) Citation(s)	State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])
		R322.2.2.1
5.2.2 Garages	TB 7-93	R309
5.2.3.1 Before Regulatory Floodway	60.3(c)(10)	Goal 7
5.2.3.2 Residential Construction	60.3(c)(2)	Goal 7
5.2.3.3 Non-residential Construction	60.3(c)(3) – (5); TB 3	Goal 7; R322.2.2; R322.2.2.1
5.2.3.4 Manufactured Dwellings	60.3(b)(8); 60.3(c)(6)(iv); 60.3(c)(12)(ii)	Goal 7; State of OR Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011
5.2.3.5 Recreational Vehicles	60.3(c)(14)(i) – (iii)	Goal 7
5.2.3.6 Appurtenant (Accessory) Structures	60.3(c)(5); TB 1; TB 7-93	Oregon Structural Specialty Code (S) 105.2; R105.2
5.2.4 Floodways	60.3(d); FEMA Region X Fish Enhancement Memo (Mark Riebau)	Goal 7
5.2.5 Standards for Shallow Flooding Areas	60.3(c)(7), (8), (11), and (14)	Goal 7
5.3 Specific Standards for Coastal High Hazard Flood Zones, and 5.3.1 Development Standards	60.3(e); TB 5; TB 8; TB 9	Goal 7; R322.3.1; R322.3.2; R322.3.3; R322.3.4; R322.3.5
5.3.1.1 Manufactured Dwelling Standards for Coastal High Hazard Zones	60.3(e)(8)(i) – (iii)	Goal 7; RR322.3.2; State of OR Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011

Ordinance Section	44 CFR and Technical Bulletin (TB) Citation(s)	State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])
5.3.1.2 Recreational Vehicle Standards for Coastal High Hazard Zones	60.3(e)(9)(i)- (iii)	Goal 7
5.3.1.3 Tank Standards for Coastal High Hazard Zones		R322.2.4; R322.3.7

*[Link to Oregon Specialty Codes \(https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx\)](https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx)

SECTION 3. Model Ordinance Language

1.0 STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS

1.1 STATUTORY AUTHORIZATION

The State of Oregon has in **ORS 203.035 (COUNTIES) OR ORS 197.175 (CITIES)** delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the **COMMUNITY NAME** does ordain as follows:

1.2 FINDINGS OF FACT

- A. The flood hazard areas of **COMMUNITY NAME** **preserve the natural and beneficial values served by floodplains but** are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in special flood hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. **Preserve natural and beneficial floodplain functions;**
- D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- E. Minimize prolonged business interruptions;

- F. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- G. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- H. Notify potential buyers that the property is in a special flood hazard area;
- I. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
- J. Participate in and maintain eligibility for flood insurance and disaster relief.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
- F. Employing a standard of “no net loss” of natural and beneficial floodplain functions.

2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel

does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, V1-30, VE). “Special flood hazard area” is synonymous in meaning and definition with the phrase “area of special flood hazard.”

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal high hazard area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Fill: Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered “development.”

Fish Accessible Space: The volumetric space available to fish to access.

Fish Egress-able Space: The volumetric space available to fish to exit or leave from.

Flood or Flooding:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study: an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): See "Flood elevation study."

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Green Infrastructure: Use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface.

Habitat Restoration Activities: Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

Hazard Trees: Standing dead, dying, or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure or as defined by the community.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Hydraulically Equivalent Elevation: A location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.

Hydrologically Connected: The interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

Impervious Surface: A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then “flushed” into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

Low Impact Development: An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. LID is a subset of green infrastructure.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with “manufactured home.”

Manufactured dwelling park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Mean Higher-High Water: The average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by **COMMUNITY NAME** and includes any subsequent improvements to such structures.

No Net Loss: A standard where adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function

from the existing condition when a development application is submitted to the state, tribal, or local jurisdiction. The floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

Offsite: Mitigation occurring outside of the project area.

Onsite: Mitigation occurring within the project area.

Ordinary High Water Mark: The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

Qualified Professional: Appropriate subject matter expert that is defined by the community.

Reach: A section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

Recreational vehicle: A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riparian: Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

Riparian Buffer Zone (RBZ): The outer boundary of the riparian buffer zone is measured from the ordinary high water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or 170 feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

Riparian Buffer Zone Fringe: The area outside of the RBZ and floodway but still within the SFHA.

Silviculture: The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

Special flood hazard area: See "Area of special flood hazard" for this definition.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Undeveloped Space: The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete

structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

Variance: A grant of relief by **COMMUNITY NAME** from the terms of a floodplain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of **COMMUNITY NAME**.

3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for **EXACT TITLE OF FLOOD INSURANCE STUDY FOR COMMUNITY**", dated **DATE (MONTH DAY, FOUR DIGIT YEAR)**, with accompanying Flood Insurance Rate Maps (FIRMs) **LIST ALL EFFECTIVE FIRM PANELS HERE (UNLESS ALL PANELS ARE BEING REPLACED THROUGH A NEW COUNTY_WIDE MAP THAT INCORPORATES ALL PREVIOUS PANELS/VERSIONS, IN THAT SITUATION PANELS DO NOT NEED TO BE INDIVIDUALLY LISTED)** are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at **INSERT THE LOCATION (I.E. COMMUNITY PLANNING DEPARTMENT LOCATED IN THE COMMUNITY ADMINISTRATIVE BUILDING)**.

3.3 COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in ORS 455 that the **COMMUNITY NAME** administers and enforces the State of Oregon Specialty Codes, the **COMMUNITY NAME** does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

3.4 COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

3.4.1 COMPLIANCE

All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

3.4.2 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a (INFRACTION TYPE (I.E. MISDEMEANOR) AND PENALTIES PER STATE/LOCAL LAW ASSOCIATED WITH SPECIFIED INFRACTION TYPE (I.E. ANY PERSON WHO VIOLATES THE REQUIREMENTS OF THIS ORDINANCE SHALL UPON CONVICTION THEREOF BE FINED NOT MORE THAN A SPECIFIED AMOUNT OF MONEY...)) Nothing contained herein shall prevent the COMMUNITY NAME from taking such other lawful action as is necessary to prevent or remedy any violation.

3.5 ABROGATION AND SEVERABILITY

3.5.1 ABROGATION

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5.2 SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

3.6 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.7 WARNING AND DISCLAIMER OF LIABILITY

3.7.1 WARNING

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply

that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

3.7.2 DISCLAIMER OF LIABILITY

This ordinance shall not create liability on the part of the **COMMUNITY NAME**, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

4.0 ADMINISTRATION

4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The **INDIVIDUAL JOB TITLE** is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

[Additional Recommended Language Provided in Appendix B](#)

4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

4.2.1 PERMIT REVIEW

Review all development permits to:

- A. Determine that the permit requirements of this ordinance have been satisfied;
- B. Determine that all other required local, state, and federal permits have been obtained and approved;
- C. Determine if the proposed development is located in a floodway.
 - i. If located in the floodway assure that the floodway provisions of this ordinance in section **5.2.4** are met; and
 - ii. Determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections **5.1.7**; and

- iii. Provide to building officials the Base Flood Elevation (BFE) (ADD FREEBOARD IF COMMUNITY HAS HIGHER ELEVATION STANDARDS) applicable to any building requiring a development permit.

- D. Determine if the proposed development qualifies as a substantial improvement as defined in section 2.0.
- E. Determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 5.1.1.
- F. Determine if the proposed development activity includes the placement of fill or excavation.
- G. Determine whether the proposed development activity complies with the no net loss standards in Section 6.0.

4.2.2 INFORMATION TO BE OBTAINED AND MAINTAINED

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- A. The actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 5.1.7.
- B. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 4.2.1(B), 5.2.4, and 5.3.1(F), are adhered to.
- C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- D. Where base flood elevation data are utilized, As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- E. Maintain all Elevation Certificates (EC) submitted to the community.
- F. The elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where

Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 5.1.7.

G. All floodproofing certificates required under this ordinance.

H. All variance actions, including justification for their issuance.

I. All hydrologic and hydraulic analyses performed as required under section 5.2.4.

J. All Substantial Improvement and Substantial Damage calculations and determinations as required under section 4.2.4.

K. Documentation of how no net loss standards have been met (see Section 6.0)

L. All records pertaining to the provisions of this ordinance.

4.2.3 REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA

4.2.3.1 COMMUNITY BOUNDARY ALTERATIONS

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

4.2.3.2 WATERCOURSE ALTERATIONS

A. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

- ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

- B. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 4.2.3.3. Ensure compliance with all applicable requirements in sections 4.2.3.3 and 5.1.1.

4.2.3.3 REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

- A. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.
- B. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - i. Proposed floodway encroachments that increase the base flood elevation; and
 - ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- C. An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

[Additional Recommended Language Provided in Appendix B](#)

4.2.4 SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS

Conduct Substantial Improvement (SI) (as defined in section 2.0) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 4.2.2. Conduct Substantial Damage (SD) (as defined in section 2.0) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 3.2) are damaged to the extent that the cost of restoring

the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

4.3 ESTABLISHMENT OF DEVELOPMENT PERMIT

4.3.1 FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 3.2. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 2.0, including fill and other development activities.

4.3.2 APPLICATION FOR DEVELOPMENT PERMIT

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 4.2.2.
- B. In coastal flood zones (V zones and coastal A zones), the proposed elevation in relation to mean sea level of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all structures, and whether such structures contain a basement.
- C. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- D. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in section 5.2.3.3.
- E. Description of the extent to which any watercourse will be altered or relocated.
- F. Base Flood Elevation data for subdivision proposals or other development when required per sections 4.2.1 and 5.1.6.
- G. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.

H. The amount and location of any fill or excavation activities proposed.

4.4 VARIANCE PROCEDURE

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

4.4.1 CONDITIONS FOR VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections **4.4.1 (C) and (E), and 4.4.2**. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- E. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section **4.4.1 (B) – (D)** are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- F. Variances shall not be issued unless it is demonstrated that the development will not result in net loss of the following proxies for the three floodplain functions in the SFHA: undeveloped space; pervious surface; or trees 6 inches dbh or greater (see Section 6.0 and associated options in Table 1).

[Additional Optional Language Provided in Appendix B.](#)

4.4.2 VARIANCE NOTIFICATION

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 4.2.2.

5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all special flood hazard areas, the no net loss standards (see Section 6.0) and the following standards shall be adhered to:

5.1.1 ALTERATION OF WATERCOURSES

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 4.2.3.2 and 4.2.3.3.

5.1.2 ANCHORING

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. All manufactured dwellings shall be anchored per section 5.2.3.4.

5.1.3 CONSTRUCTION MATERIALS AND METHODS

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1.4 UTILITIES AND EQUIPMENT

5.1.4.1 WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

5.1.4.2 ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level (ANY COMMUNITY FREEBOARD REQUIREMENT) or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:

A. If replaced as part of a substantial improvement shall meet all the requirements of this section.

B. Not be mounted on or penetrate through breakaway walls.

5.1.5 TANKS

A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

B. Above-ground tanks shall be installed at or above the base flood level (COMMUNITY FREEBOARD REQUIREMENT) or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

C. In coastal flood zones (V Zones or coastal A Zones) when elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of the State of Oregon Specialty Code.

5.1.6 SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENTS

A. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals Base Flood Elevation data.

B. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

- i. Be consistent with the need to minimize flood damage.
- ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- iii. Have adequate drainage provided to reduce exposure to flood hazards.

iv. Comply with no net loss standards in section 6.0.

5.1.7 USE OF OTHER BASE FLOOD ELEVATION DATA

A. When Base Flood Elevation data has not been provided in accordance with section 3.2 the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 5.0. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 5.1.6.

B. Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc... where available. (REFERENCE TO ANY OF THIS TYPE OF INFORMATION TO BE USED FOR REGULATORY PURPOSES BY YOUR COMMUNITY, I.E. BASE LEVEL ENGINEERING DATA, HIGH WATER MARKS, HISTORICAL OR OTHER DATA THAT WILL BE REGULATED TO. THIS MAY BE NECESSARY TO ENSURE THAT THE STANDARDS APPLIED TO RESIDENTIAL STRUCTURES ARE CLEAR AND OBJECTIVE. IF UNCERTAIN SEEK LEGAL ADVICE, AT A MINIMUM REQUIRE THE ELEVATION OF RESIDENTIAL STRUCTURES AND NON-RESIDENTIAL STRUCTURES THAT ARE NOT DRY FLOODPROOFED TO BE 2 FEET ABOVE HIGHEST ADJACENT GRADE). Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

5.1.8 STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES

In coordination with the State of Oregon Specialty Codes:

A. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.

B. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

[Additional Recommended Language Provided in Appendix B.](#)

5.2 SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 5.1 of this ordinance and the no net loss standards (see Section 6.0).

5.2.1 FLOOD OPENINGS

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- B. Be used solely for parking, storage, or building access;
- C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - i. A minimum of two openings;
 - ii. The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
 - iii. The bottom of all openings shall be no higher than one foot above grade;
 - iv. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; and,
 - v. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

5.2.2 GARAGES

- A. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
- i. If located within a floodway the proposed garage must comply with the requirements of section **5.2.4**;
 - ii. The floors are at or above grade on not less than one side;
 - iii. The garage is used solely for parking, building access, and/or storage;
 - iv. The garage is constructed with flood openings in compliance with section **5.2.1** to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;
 - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - vi. The garage is constructed in compliance with the standards in section **5.1**; and,
 - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- B. Detached garages must be constructed in compliance with the standards for appurtenant structures in section **5.2.3.6** or non-residential structures in section **5.2.3.3** depending on the square footage of the garage.

5.2.3 FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS

In addition to the general standards listed in section **5.1** the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

5.2.3.1 BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community and will not

result in the net loss of flood storage volume. When determined that structural elevation is not possible and where the placement of fill cannot meet the above standard, impacts to undeveloped space must adhere to the no net loss standards in section 6.1.C.

5.2.3.2 RESIDENTIAL CONSTRUCTION

- A. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above the Base Flood Elevation (BFE) (ADDITIONAL FREEBOARD FOR YOUR COMMUNITY – RECOMMEND MINIMUM OF 1FT ABOVE BFE).
- B. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 5.2.1.

5.2.3.3 NON-RESIDENTIAL CONSTRUCTION

- A. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - i. Have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE) (ANY ADDITIONAL FREEBOARD REQUIREMENTS FOR YOUR COMMUNITY); or
 - ii. Together with attendant utility and sanitary facilities:
 - a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 4.2.2.
- B. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 5.2.1.

- C. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

5.2.3.4 MANUFACTURED DWELLINGS

- A. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section **5.2.1**;
- B. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- C. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
- D. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

5.2.3.5 RECREATIONAL VEHICLES

Recreational vehicles placed on sites are required to:

- A. Be on the site for fewer than 180 consecutive days, and
- B. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C. Meet the requirements of section **5.2.3.4**, including the anchoring and elevation requirements for manufactured dwellings.

5.2.3.6 APPURTENANT (ACCESSORY) STRUCTURES

Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- A. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section **5.2.4**;
- B. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;

- C. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet;
- D. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- E. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
- F. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 5.2.1;
- G. Appurtenant structures shall be located and constructed to have low damage potential;
- H. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 5.1.5; and,
- I. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

5.2.4 FLOODWAYS

Located within the special flood hazard areas established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - i. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or

ii. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that conditional approval has been obtained by the Federal Insurance Administrator through the Conditional Letter of Map Revision (CLOMR) application process, all requirements established under 44 CFR 65.12 are fulfilled, and the encroachment(s) comply with the no net loss standards in section 6.0.

B. If the requirements of section 5.2.4 (A) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 5.0 and 6.0.

5.2.5 STANDARDS FOR SHALLOW FLOODING AREAS

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

5.2.5.1 STANDARDS FOR AH ZONES

Development within AH Zones must comply with the standards in sections 5.1, 5.2, and 5.2.5.

5.2.5.2 STANDARDS FOR AO ZONES

In AO zones, the following provisions apply in addition to the requirements in sections 5.1 and 5.2.5:

A. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRM) (COMMUNITY FREEBOARD REQUIREMENT) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

B. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:

i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate

Maps (FIRMS) (**COMMUNITY FREE BOARD REQUIREMENT**) (at least two (2) feet if no depth number is specified); or

- ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM (**COMMUNITY FREEBOARD REQUIREMENT**) or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section **5.2.3.3(A)(4)**.

C. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:

- i. Be on the site for fewer than 180 consecutive days, and
- ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- iii. Meet the elevation requirements of section **5.2.5.2(A)**, and the anchoring and other requirements for manufactured dwellings of section **5.2.3.4**.

D. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section **5.2.3.6**.

E. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section **5.2.1**.

5.3 SPECIFIC STANDARDS FOR COASTAL HIGH HAZARD FLOOD ZONES

Located within special flood hazard areas established in section **3.2** are Coastal High Hazard Areas, designated as Zones V1-V30, VE, V, or coastal A zones as identified on the FIRMs as the area between the Limit of Moderate Wave Action (LiMWA) and the Zone V boundary. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions of this ordinance and the State of Oregon Specialty Codes, the following provisions shall apply in addition to the general standards provisions in section **5.1**.

5.3.1 DEVELOPMENT STANDARDS

A. All new construction and substantial improvements in Zones V1-V30 and VE, V, and coastal A zones (where base flood elevation data is available) shall be elevated on pilings and columns such that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level; and

ii. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those specified by the State of Oregon Specialty Codes;

B. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.

C. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures and whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information in accordance with section 4.2.2.

D. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

i. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

ii. Such enclosed space created by breakaway walls shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

iii. Walls intended to break away under flood loads shall have flood openings that meet or exceed the criteria for flood openings in section 5.2.1.

E. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum water loading values to be used in this determination shall be those associated with the base flood. Maximum wind loading values used shall be those specified by the State of Oregon Specialty Codes.

F. Prohibit the use of fill for structural support of buildings.

G. All new construction shall be located landward of the reach of mean high tide.

H. Prohibit man-made alteration of sand dunes which would increase potential flood damage.

I. All structures, including but not limited to residential structures, non-residential structures, appurtenant structures, and attached garages shall comply with all the requirements of section 5.3.1 Floodproofing of non-residential structures is prohibited.

5.3.1.1 MANUFACTURED DWELLING STANDARDS FOR COASTAL HIGH HAZARD ZONES

All manufactured dwellings to be placed (new or replacement) or substantially improved within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall meet the following requirements:

A. Comply with all of the standards within section 5.3

B. The bottom of the longitudinal chassis frame beam shall be elevated to a minimum of one foot above the Base Flood Elevation (BFE); and

C. Electrical crossover connections shall be a minimum of 12 inches above the BFE.

5.3.1.2 RECREATIONAL VEHICLE STANDARDS FOR COASTAL HIGH HAZARD ZONES

Recreational Vehicles within Coastal High Hazard Areas (Zones V, V1-30, VE, or Coastal A) shall either:

- A. Be on the site for fewer than 180 consecutive days, and
- B. Be fully licensed and ready for highway use, on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

5.3.1.3 TANK STANDARDS FOR COASTAL HIGH HAZARD ZONES

Tanks shall meet the requirements of section 5.1.5 and 6.0.

6.0 STANDARDS FOR PROTECTION OF SFHA FLOODPLAIN FUNCTIONS

The standards described below apply to all special flood hazard areas as defined in Section 2.0.

6.1 NO NET LOSS STANDARDS

- A. No net loss of the three proxies for the floodplain functions mentioned in Section 1 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions. Prior to the issuance of any development authorization, the applicant shall:
 - i. Demonstrate a legal right by the project proponent to implement the proposed activities to achieve no net loss (e.g., property owner agreement);
 - ii. Demonstrate that financial assurances are in place for the long-term maintenance and monitoring of all projects to achieve no net loss;
 - iii. Include a management plan that identifies the responsible site manager, stipulates what activities are allowed on site, and requires the posting of signage identifying the site as a mitigation area.
- B. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss. To offset the impacts of delay in implementing no net loss, a 25 percent increase in the required minimum area is added for each year no net loss implementation is delayed.
- C. No net loss must be provided within, in order of preference: 1) the lot or parcel that floodplain functions were removed from, 2) the same reach of the waterbody where the development is proposed, or 3) the special flood hazard area within the same hydrologically connected area as the proposed development. Table 1 presents the no net loss ratios, which increase based on the preferences listed above.

6.1.1 UNDEVELOPED SPACE

A. Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.

B. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space.

C. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 1 and at the same flood level at which the development causes an impact (i.e., plus or minus 1 foot of the hydraulically equivalent elevation).

i. Hydraulically equivalent sites must be found within either the equivalent 1-foot elevations or the same flood elevation bands of the development proposal. The flood elevation bands are identified as follows:

(1) Ordinary High Water Mark to 10-year,

(2) 10-year to 25-year,

(3) 25-year to 50-year,

(4) And 50-year to 100-year

ii. Hydrologically connected to the waterbody that is the flooding source;

iii. Designed so that there is no increase in velocity; and

iv. Designed to fill and drain in a manner that minimizes anadromous fish stranding to the greatest extent possible.

6.1.2 IMPERVIOUS SURFACES

Impervious surface mitigation shall be mitigated through any of the following options:

A. Development proposals shall not result in a net increase in impervious surface area within the SFHA, or

B. use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or

C. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to

1072 minimize pollutant loading. See section 6.2.C for stormwater retention
1073 specifications.

1074 **6.1.3 TREES**

1075 A. Development proposals shall result in no net loss of trees 6-inches dbh or
1076 greater within the special flood hazard area. This requirement does not
1077 apply to silviculture where there is no development.

1078 i. Trees of or exceeding 6-inches dbh that are removed from the RBZ,
1079 Floodway, or RBZ-fringe must be replaced at the ratios in Table 1.

1080 ii. Replacement trees must be native species that would occur naturally
1081 in the Level III ecoregion of the impact area.

1082 **6.2 STORMWATER MANAGEMENT**

1083 Any development proposal that cannot mitigate as specified in 6.1.2(A)-(B) must include
1084 the following:

1085 A. Water quality (pollution reduction) treatment for post-construction
1086 stormwater runoff from any net increase in impervious area; and

1087 B. Water quantity treatment (retention facilities) unless the outfall discharges
1088 into the ocean.

1089 C. Retention facilities must:

1090 i. Limit discharge to match the pre-development peak discharge rate
1091 (i.e., the discharge rate of the site based on its natural groundcover
1092 and grade before any development occurred) for the 10-year peak
1093 flow using a continuous simulation for flows between 50 percent of
1094 the 2-year event and the 10-year flow event (annual series).

1095 ii. Treat stormwater to remove sediment and pollutants from impervious
1096 surfaces such that at least 80 percent of the suspended solids are
1097 removed from the stormwater prior to discharging to the receiving
1098 water body.

1099 iii. Be designed to not entrap fish and drain to the source of flooding.

1100 iv. Be certified by a qualified professional.

1101 D. Stormwater treatment practices for multi-parcel facilities, including
1102 subdivisions, shall have an enforceable operation and maintenance
1103 agreement to ensure the system functions as designed. This agreement will
1104 include:

i. Access to stormwater treatment facilities at the site by the
COMMUNITY TYPE (e.g., city, county) for the purpose of inspection
and repair.

ii. A legally binding document specifying the parties responsible for the
proper maintenance of the stormwater treatment facilities. The
agreement will be recorded and bind subsequent purchasers and
sellers even if they were not party to the original agreement.

iii. For stormwater controls that include vegetation and/or soil
permeability, the operation and maintenance manual must include
maintenance of these elements to maintain the functionality of the
feature.

iv. The responsible party for the operation and maintenance of the
stormwater facility shall have the operation and maintenance
manual on site and available at all times. Records of the
maintenance and repairs shall be retained and made available for
inspection by the COMMUNITY TYPE (e.g., city, county) for five years

6.3 ACTIVITIES EXEMPT FROM NO NET LOSS STANDARDS

The following activities are not subject to the no net loss standards in Section 6.1;
however, they may not be exempt from floodplain development permit requirements.

A. Normal maintenance of structures, such as re-roofing and replacing siding,
provided there is no change in the footprint or expansion of the roof of the
structure;

B. Normal street, sidewalk, and road maintenance, including filling potholes,
repaving, and installing signs and traffic signals, that does not alter
contours, use, or alter culverts. Activities exempt do not include expansion
of paved areas;

C. Routine maintenance of landscaping that does not involve grading,
excavation, or filling;

D. Routine agricultural practices such as tilling, plowing, harvesting, soil
amendments, and ditch cleaning that does not alter the ditch configuration
provided the spoils are removed from special flood hazard area or tilled into
fields as a soil amendment;

E. Routine silviculture practices that do not meet the definition of
development, including harvesting of trees as long as root balls are left in
place and forest road construction or maintenance that does not alter
contours, use, or alter culverts;

F. Removal of noxious weeds and hazard trees, and replacement of non-native
vegetation with native vegetation;

G. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;

H. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor.

I. Habitat restoration activities.

6.4 RIPARIAN BUFFER ZONE (RBZ)

A. The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or inland of the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel.

B. Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.

C. Functionally dependent uses are only subject to the no net loss standards for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.

D. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.

E. Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous and shrub vegetation and designated as open space.

Table 1 No Net Loss Standards

Basic Mitigate Ratios	Undeveloped Space (ft ³)	Impervious Surface (ft ²)	Trees (6" < dbh ≤ 20")	Trees (20" < dbh ≤ 39")	Trees (39" < dbh)
RBZ and Floodway	2:1*	1:1	3:1*	5:1	6:1
RBZ-Fringe	1.5:1*	1:1	2:1*	4:1	5:1

<u>Mitigation multipliers</u>					
Mitigation onsite to Mitigation offsite, same reach	100%	100%	100%	100%	100%
Mitigation onsite to Mitigation offsite, different reach, same watershed (5 th field)	200% *	200% *	200% *	200%	200%

Notes:

1. Ratios with asterisks are indicated in the BiOp
2. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled.
 - a. For example, if only 500 ft² of the total 1000 ft² of required pervious surface mitigation can be conducted onsite and in the same reach, the remaining 500 ft² of required pervious surface mitigation occurring offsite at a different reach would double because of the 200% multiplier.
3. RBZ impacts must be offset in the RBZ, on-site or off-site.
4. Additional standards may apply in the RBZ (See 6.4 Riparian Buffer Zone)

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Regular Meeting
	Staff Contact/Dept:	Jessica Mumme/Finance
	Staff Phone No:	
	Estimated Time:	Consent Calendar
	Council Goals:	Financially Responsible and Stable Government Services

ITEM TITLE:

Comcast Franchise Extension

ACTION REQUESTED:

Adopt/not adopt the following ordinance: An ordinance to extend the term of Ordinance 6208 granting Comcast of Oregon II, Inc. a franchise for operation of a cable telecommunications system, adopting a severability clause, and providing an effective date.

ISSUE STATEMENT:

Shall the City Council extend Comcast's existing cable franchise until January 1, 2026 to allow the parties to complete their renewal negotiations?

DISCUSSION/FINANCIAL IMPACT:

The Franchise: Together, Lane County, the City of Eugene, and the City of Springfield have granted Comcast a franchise for the operation of a cable communications system. In 2007, the three entities amended and renewed Comcast's franchise through August 1, 2018.

The Extensions to Date: The term of the franchise has been extended several times, most recently to January 1, 2025, with Ordinance 6455. Initially, the extensions resulted from delays while staff tried to resolve a dispute with Comcast arising from a franchise fee review the jurisdictions conducted. This review resulted in staff attempting to resolve fee review issues while also trying to negotiate the terms for the franchise renewal. Additional delays have stemmed from the departure of Comcast personnel who had been working on the franchise renewal.

In 2019, the Federal Communications Commission (FCC) adopted rules regarding cable regulations which were unfavorable to local government franchising authorities and are affecting franchise negotiations. For example, the order not only allows cable operators to offset from their 5% franchise fees the value of "cable related, in-kind contributions," such as free service or cable boxes in government buildings, it prohibits local franchising agencies from charging cable operator's additional fees -- aside from the 5% cable franchise fee -- for use of the public rights-of-way to provide other services, including broadband internet.

Numerous franchising authorities, including the City of Eugene, filed a lawsuit challenging the FCC Cable Order. Although the Sixth Circuit Court of Appeals recently upheld most of the order, additional litigation or petitions are likely to be filed in the case. Therefore, Lane County, the City of Eugene, and the City of Springfield believe additional time is needed to allow for the potential litigation to be completed. This proposed ordinance requesting an extension would extend only the term of the current franchise to January 1, 2026. All other franchise terms and conditions would remain the same. When negotiations are completed, the proposed franchise renewal agreement will be brought to the City Council for action.

Attachments

1. Comcast Extension Ordinance
2. Comcast Acceptance Ordinance

CITY OF SPRINGFIELD, OREGON
ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE TERM OF ORDINANCE 6208 GRANTING TO COMCAST OF OREGON II, INC. A FRANCHISE FOR OPERATION A CABLE TELECOMMUNICATIONS SYSTEM, ADOPTING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Cities of Springfield and Eugene together with Lane County granted a franchise to Comcast of Oregon II, Inc. ("Comcast") for the operation of a cable communication system and have designated the Metropolitan Policy Commission (MPC) as the representative of the local franchising authorities in administration of the franchise;

WHEREAS, the City of Springfield enacted Ordinance 5567 on May 20, 1991, granting said franchise;

WHEREAS, the City of Springfield enacted Ordinance 6208 on November 20, 2007, amending and renewing said franchise through August 1, 2018;

WHEREAS, the City of Springfield enacted Ordinance 6385 on July 2, 2018, extending said franchise for an additional period through January 1, 2019, and Ordinance 6391 on December 3, 2018, extending said franchise for an additional period through June 30, 2020. Ordinance 6417 on May 4th, 2020, extending said franchise for an additional period through January 1, 2022. Ordinance 6431 on November 1, 2021, extending said franchise for an additional period through January 1, 2023, and Ordinance 6455 on November 21, 2022, extending said franchise for an additional period through January 1, 2025.

WHEREAS, the federal Cable Act requires a franchise for the operation of cable telecommunications systems and provides for a formal or informal renewal process under the Cable Act;

WHEREAS, the Cities of Springfield and Eugene, Lane County, and Comcast are currently negotiating under the Cable Act's informal process to renew Comcast's cable franchise and the parties anticipate those negotiations will not be completed prior to January 1, 2025; and

WHEREAS, the Cities of Springfield and Eugene, and Lane County have determined that it serves the public welfare to extend the term of the current franchise from January 1, 2025 to January 1, 2026,

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. The franchise granted to Comcast in Ordinance 6208 and extended by Ordinances 6385, 6391, 6417, 6431 and 6455 shall be extended up to and through January 1, 2026.

Section 2. The City and Comcast agree that execution of this extension does not waive any rights that either party may have under Section 626 of the Cable Act or other provision of federal, state, or local law.

Section 3. Savings Clause. Other than the duration of the franchise set forth herein, Ordinances 6208, 6385, 6391, 6417, 6431 and 6455 shall continue in full force and effect.

ADOPTED by the Common Council of the City of Springfield this ____ day of _____, _____,
by a vote of _____ for and _____ against.

APPROVED by the Mayor of the City of Springfield this _____ day of _____, _____.

Mayor

ATTEST:

City Recorder

WRITTEN ACCEPTANCE OF ORDINANCE NO. _____
CITY OF SPRINGFIELD, OREGON

WHEREAS, on December 2, 2024, the Common Council of the City of Springfield enacted Ordinance ____ entitled:

AN ORDINANCE TO EXTEND THE TERM OF ORDINANCE 6208 GRANTING
TO COMCAST OF OREGON II, INC. A FRANCHISE FOR OPERATION OF A
CABLE TELECOMMUNICATIONS SYSTEM, ADOPTING A SEVERABILITY
CLAUSE, AND PROVIDING AN EFFECTIVE DATE;

WHEREAS, Ordinance ____ was approved and signed on December 2, 2024, by the Mayor of the City of Springfield and attested by the City Recorder;

WHEREAS, the City of Springfield enacted Ordinance 5567 on May 20, 1991, granting said franchise;

WHEREAS, the City of Springfield enacted Ordinance 6208 on November 20, 2007, amending and renewing said franchise through August 1, 2018;

WHEREAS, the City of Springfield enacted Ordinance 6385 on July 2, 2018, extending the franchise granted under Ordinance 6208 for an additional period through January 1, 2019; Ordinance 6391 on December 3, 2018, extending said franchise for an additional period through June 30, 2020; Ordinance 6417 on May 4, 2020, extending said franchise for an additional period through January 1, 2022; Ordinance 6431 extending said franchise for an additional period through January 1, 2023; and Ordinance 6455 extending said franchise for an additional period through January 1, 2025;

WHEREAS, Ordinance ____ extends the term of the franchise granted under Ordinance 6208 up to and including January 1, 2026; and

WHEREAS, all other terms and conditions of the franchise granted by Ordinance 6208 remain the same and in full force and effect;

NOW, THEREFORE, Comcast of Oregon II, Inc. hereby accepts unconditionally and agrees to be bound by all the terms and conditions of Ordinance ____, subject to applicable federal, state and local law.

IN WITNESS THEREOF, Comcast of Oregon II, Inc. has caused this acceptance to be duly executed this ____ day of December, 2024.

Comcast of Oregon II, Inc.

By: _____
Its: _____

Receipt of the original duly executed acceptance by Comcast of Oregon II, Inc. of all terms and conditions of Ordinance ____ of the City of Springfield, Oregon, is hereby acknowledged this ____ day of December, 2024.

City Recorder

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Regular Meeting
	Staff Contact/Dept:	Robin Holman/Community Development
	Staff Phone No:	541-726-3662
	Estimated Time:	Consent Calendar
	Council Goals:	Mandate

ITEM TITLE:

Liquor license application for a change of ownership for Squacho's Chili & Nachos LLC, DBA: Squacho's Bar & Grill.

ACTION REQUESTED:

Endorsement of OLCC Liquor License Application for Squacho's Bar & Grill, located at 471 South A St. Springfield, OR 97477.

ISSUE STATEMENT:

The owner of Squacho's Chili & Nachos LLC has requested the City Council to endorse its OLCC Liquor License Application.

DISCUSSION/FINANCIAL IMPACT:

The license endorsement for Squacho's Chili & Nachos LLC, DBA: Squacho's Bar & Grill is for a Change of Ownership with Full On-Premises Sales. The license application has been reviewed and approved by the appropriate City Departments.

Attachments

1. OLCC Liquor License Application



Local Government Recommendation – Liquor License

Section 1 – Submission - To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): Squacho's Chili & Nachos LLC

Proposed Trade Name: Squacho's Bar & Grill

Premises Address: 471 South A Street

Ste:

City: Springfield

County: Lane

Zip: 97477

Application Type: ☐ New License Application ☒ Change of Ownership ☐ Change of LocationLicense Type: Full On-Premises, Commercial ☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Kristen Beard

Phone: 541-378-7973

Mailing Address: 1280 Peets Court

City: Eugene

State: OR

Zip: 97402

Email Address: squachosgourmet@gmail.com

Business Details

Please check all that apply to your proposed business operations at this location:

- ☐ Manufacturing/Production at this location
- ☐ Retail Off-Premises Sales at this location
- ☒ Retail On-Premises Sales & Consumption at this location

If there will be On-Premises Consumption at this location:

- ☒ Indoor Consumption ☒ Outdoor Consumption
- ☒ Malt Beverage/Wine/Cider Consumption ☒ Distilled Spirits Consumption
- ☒ Proposing to Allow Minors

Section 1 Continued on next page



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Applicant Name/Legal Entity Name: Squacho's Chili & Nachos LLC

Proposed Trade Name: Squacho's Bar & Grill

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.
Section 2 must be completed for this form to be accepted with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name: City of Springfield

Optional Date Received Stamp

Date Application Received: 11/07/2024

Received by: Robin Holman

Section 3 – Recommendation - To be completed by Local Government:

- ☐ Recommend this license be granted
- ☐ Recommend this license be denied (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ No Recommendation/Neutral

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Regular Meeting
	Staff Contact/Dept:	Robin Holman/Community Development
	Staff Phone No:	541-726-3662
	Estimated Time:	Consent Calendar
	Council Goals:	Mandate

ITEM TITLE:

Liquor license application for a new license for Oakshire Inc., DBA: Oakshire Commons.

ACTION REQUESTED:

Endorsement of OLCC Liquor License Application for Oakshire Commons, located at 416 Main Street, Springfield, OR 97477.

ISSUE STATEMENT:

The owner Oakshire Inc. has requested the City Council to endorse its OLCC Liquor License Application.

DISCUSSION/FINANCIAL IMPACT:

The license endorsement for Oakshire Inc., DBA: Oakshire Commons is for a New License for a Brewery-Public House. The license application has been reviewed and approved by the appropriate City Departments.

Attachments

1. OLCC Liquor License Application

**Local Government Recommendation – Liquor License****Annual Liquor License Types**

Off-Premises Sales	Brewery-Public House
Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:**License Information**

Legal Entity/Individual Applicant Name(s): Oakshire, Inc.

Proposed Trade Name: Oakshire Commons

Premises Address: 416 Main St.

Unit:

City: Springfield

County: Lane

Zip: 97477

Application Type: ☒ New License Application ☐ Change of Ownership ☐ Change of LocationLicense Type: Brewery-Public House ☐ Additional Location for an Existing License**Application Contact Information**

Contact Name: Ryan Rounkles

Phone: 541-912-9711

Mailing Address: 1055 Madera St.

City: Eugene

State: OR

Zip: 97402

Email Address: ryan@oakbrew.com

Business Details

Please check all that apply to your proposed business operations at this location:

☐ Manufacturing/Production☒ Retail Off-Premises Sales☒ Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

☒ Indoor Consumption☒ Outdoor Consumption☒ Proposing to Allow Minors**Section 1 continued on next page**



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): Oakshire, Inc.

Proposed Trade Name: Oakshire Commons

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.
Section 2 must be completed **by the local government** for this form to be accepted
with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name: City of Springfield

Optional Date Received Stamp

Date Application Received: 11/13/2024

Received by: Robin Holman

Section 3 – Recommendation - To be completed by Local Government:

- ☐ **Recommend this license be granted**
- ☐ **Recommend this license be denied** (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ **No Recommendation/Neutral**

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Regular Meeting
	Staff Contact/Dept:	Sandy Belson/Community Development
	Staff Phone No:	541-736-7135
	Estimated Time:	Consent Calendar
	Council Goals:	Mandate

ITEM TITLE:

Planning Commission Appointment

ACTION REQUESTED:

Reappoint Andrew Buck to a four-year term and appoint Pat Greenwell to a four-year term. Appoint Carrie (Morgan) Driggs to fill the vacancy of a term ending December 31, 2026.

ISSUE STATEMENT:

The Planning Commission has one vacant position due to the resignation of Alan Stout and two vacant positions due to the terms ending for Andrew Buck and Matthew Salazar.

DISCUSSION/FINANCIAL IMPACT:

Five people applied for the vacant positions. The Council interviewed the five candidates on November 12th and gave direction to appoint three of the applicants during the Council's December 2 regular session.

The two four-year terms (Andrew Buck and Pat Greenwell) will start on January 1, 2025 and extend through December 31, 2028. Morgan Driggs' appointment will be effective immediately and end on December 31, 2026.

The seven-member Planning Commission is appointed by the City Council to make land use decisions on quasi-judicial development proposals. In doing so, the Commission must act impartially and in accordance with land use plans and regulations that have been adopted by the City Council. It also provides recommendations to the Council on legislative matters involving comprehensive planning and development code regulations. The Planning Commission serves as the Committee for Citizen Involvement whose charge is to review and approve community engagement plans for compliance with the required components of the Citizen Involvement Program for land use planning issues.

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Regular Meeting
	Staff Contact/Dept:	Mark Rust/Community Development
	Staff Phone No:	
	Estimated Time:	20 Minutes
	Council Goals:	Financially Responsible and Stable Government Services

ITEM TITLE:

Public Hearing On Update Of Planning Application Fees

ACTION REQUESTED:

Conduct a public hearing on the updated Planning Application Fees and adopt/not adopt a resolution to implement new fees.

ISSUE STATEMENT:

The City recognizes there is a need to reevaluate the Planning Application fees following the adoption of a major update to the Springfield Development Code in an effort to right size the fees for service in processing development applications.

DISCUSSION/FINANCIAL IMPACT:

The City last conducted a comprehensive planning and development fee analysis in 2010. With the adoption of significant updates to the Springfield Development Code (SDC) in June of 2022, as well as process changes that have taken place since, it is an important time to re-assess the development application fees. Staff was last before Council on this topic on November 4, 2024 on this matter and received direction to proceed with the public hearing to consider adoption. Adjusting the planning application fees will have impacts to the General Fund. Comparing the planning application fee revenue to the cost of the program for the last four years, the General Fund on average has supplemented the current planning program. The attached Council Briefing Memo outlines in more detail some of the proposed changes and questions for the Council to provide direction on moving forward.

Attachments

1. Council Briefing Memo
2. Cost of Service Analysis
3. Simple Fee Schedule
4. Revenue Impact Analysis
5. Resolution
- 5a. Exhibit A. Redlined Fee Sections
6. Powerpoint Presentation

MEMORANDUM

City of Springfield

Date: December 2, 2024

To: Nancy Newton, City Manager

COUNCIL

From: Mark Rust, Planning Manager, Current Planning
Jeff Paschall, Community Development Director

BRIEFING

Subject: Public Hearing on update of Planning Application
Fees

MEMORANDUM

ISSUE:

The City recognizes there is a need to reevaluate the Planning Application fees following the adoption of a major update to the Springfield Development Code in an effort to right size the fees for service in processing development applications.

COUNCIL GOALS/MANDATE:

Provide Financially Responsible and Innovative Government Services

BACKGROUND:

Staff was last before Council on this topic on November 4, 2024 on this matter and received direction to proceed with the public hearing to consider adoption.

State law (ORS 227.175) allows collection of fees for processing permits in two different ways, either the average cost of providing the service or the actual cost of providing the service (ACS). The model the City of Springfield has historically used is the average cost of service. The fee study conducted by Portland State University in 2023 analyzed the average cost of providing the service to processing planning applications and in some cases recommends transitioning to an actual cost of service.

Direction received from the Council has included:

1. Account for 100% cost recovery of providing current planning services in the processing of development applications.
2. Include the cost of engineering, transportation, survey, administrative staff time, customer service staff time and other applicable work groups time in one fee for processing development applications.
3. Consider the time estimated for completing tasks is often underestimated. Compare estimated times to actual time to complete processing tasks.
4. Evaluate the need for increased fees for processing applications in the UGB (Urban Growth Boundary), that are outside of the city limits, due to coordination requirements with the County in the fees for those application types.
5. Simplify the fee schedule so that it is not complex.
6. Look for alternative ways of charging fees to fund a portion of the Comprehensive Planning Program.

Adjusting the planning application fees will have impacts to the General Fund. In FY21 the General Fund supplemented the current planning program by \$164,270. In FY22 the General Fund supplemented the current planning program by \$100,535. In FY 23 the General Fund supplemented the current

planning program by \$325,794. In FY 24 the current planning program brought in significantly more fees than program expense, supplementing the General Fund by \$266,646.

DISCUSSION

Building from the initial planning fee study performed by Portland State University (PSU) in 2023 and taking the direction from Council, staff has studied the costs associated with 100% cost recovery for processing planning applications. This includes the time spent by other work groups outside of current planning such as Engineering, Transportation, Survey, etc.

Staff utilized the same questionnaire/survey that was prepared by PSU to gain information from the other work groups that spend significant time on processing planning applications. In addition to the survey, key personnel kept track of their time working on each different application for a period of months. This data was utilized to truth check the survey responses.

Based on this additional research, staff has added the additional staff time/costs to the Cost of Service Analysis spreadsheet (Attachment 2). This has resulted in the 100% cost recovery fee numbers for development applications.

This fee study does not include analysis of Building Permit fees, Land and Drainage Alteration Permit (LDAP) fees, or System Development Charges (SDC's). It only looks at direct cost for processing planning applications.

Changes in fees

While the initial planning fee study showed significant fee reductions, the initial analysis did not include the full cost recovery of processing a planning application. The initial report presented to Council [June 20, 2023](#) only included planning time. It did not include Engineering, Transportation, Survey and other cost for processing development applications.

The revised Cost of Service Analysis spreadsheet (Attachment 2) includes the costs associated with 100% cost recovery for processing development applications. As such, now the total application fee is higher than previously stated. In many cases the fees are proposed to be increased. However, some are still proposed to be decreased. Staff finds that the right sizing of the fees to accurately reflect the amount of time spent on processing the planning applications is needed at this time.

It is still recommended that a certain list of application types be transitioned to an “actual cost of service” model rather than the existing “average cost of service” model used now. This would require the establishment of an accurate time tracking program as well as establishing deposit amounts for the actual cost of service applications. Any excess amount of the deposit that wasn't used for processing the application would then be refunded at the completion of the planning review. As discussed below, a new time tracking process has been established for each planning application to keep track of the actual amount of time that is spent on every application by multiple staff members that work on the applications.

Staff has provided a proposed simplified planning fee schedule based on the work performed. See Attachment 3.

Financial Model/Revenue Impact Analysis

Previous Council direction included a request for a financial model to be prepared to show the difference the new fees would make on the overall revenue from planning application fees. Staff reviewed all the planning applications submitted in FY 24 and applied the proposed new fees. With the

proposed new fee's FY24 development application revenue increased 4% over the revenue collected from currently adopted development application fees. See Attachment 4 for specific details about the revenue impact analysis.

Comparison of Springfield fees to other Cities

At the [June 20, 2023](#) Council Work Session staff presented numbers on the proposed fee changes including comparison to four other city jurisdictions (Eugene, Medford, Corvallis, and Albany). Staff has not reevaluated if the comparable cities fees have increased since the initial PSU study. However, since the work was done over a year ago, staff assumes that at the very least the other cities fees have been increased to account for annual inflation. City of Springfield Planning fees have not been adjusted/increased in the last two years for annual inflation.

Comprehensive Planning Fee per acre for Annexations

Council suspended collection of the per acre fee for annexation, effective July 1, 2023, that supported the Comprehensive Planning Program work. Staff presented detailed information on this topic at the [September 9, 2024](#), Council Work session. Direction was given to look at other ways of supporting the Comprehensive Planning Program.

At the November 4, 2024 Council work session staff presented different options for providing funding through application fees for the Comprehensive Work Program. The direction give by Council at this work session was for the option to create a small flat fee for annexations applications, combined with small percentage of all application fees. Staff has incorporated this option into the proposed fee schedule.

Technology fee verses Administrative fee

At the November 4th Council work session, Council provided direction to remove the technology fee. As an alternative to the technology fee a new administrative (admin) fee is proposed. The Admin fee will assist in covering technology upgrades to improve the customer experience, provide some funding offset for the Comprehensive Planning program work, and other administrative staffing time that is unfunded to support development activities. A portion of the admin fee could help support the Code Enforcement Program. As a comparison, the City of Eugene assesses a 9% Admin Fee on their planning applications. Staff is proposing a 7.5% admin fee with the new fee schedule.

NEXT STEPS:

After the public hearing Council can adopt/not adopt the proposed new planning fees. If adopted the fees are proposed to become effective January 3, 2025.

RECOMMENDED ACTION: Conduct a public hearing on Chapters 6, 7, and 8 of the Master Fees and Charges Schedule and decide to adopt/not adopt the proposed resolution for the new planning fee schedule.

A RESOLUTION AMENDING MASTER FEES AND CHARGES SCHEDULE CHAPTERS 6-8
WITH AN EFFECTIVE DATE OF JANUARY 3, 2025.

Springfield Planning Department Cost of Service Recovery Rates (City Limits)																			
Application Type	Current Fee	Planning Cost	Planning cost	Planning hours	Engineering cost	Engineering hours	Transportation cost	Transportation hours	Survey cost	Survey hours	Admin. staff cost*	TOTAL w/o Customer Svc. Counter	% of current fee w/o cust. Svc. Counter	Customer Service Counter cost (ave. per application)	100% Cost Recovery TOTAL	% of current fee			
Accessory Dwelling Unit Type 1	City: \$945 UGB: \$1,040	\$445.68	\$512.53		\$300.60	4.00	\$0.00	0.00	\$0.00	0.00	\$81.71	\$898.85	95%	\$515.36	\$1,414.20	150%			
Accessory Dwelling Unit Type 2	City: \$945 UGB: \$1,040	\$489.61	\$563.05		\$300.60	4.00	\$0.00	0.00	\$0.00	0.00	\$86.76	\$954.41	101%	\$515.36	\$1,469.77	156%			
Amendment of Development Code Text Type 4	City: \$9,629 UGB: \$14,527	Actual cost of service recommended																	
Annexation Type 4	Single detached on R-1 property less than 10,000 sf: \$1,275 < 1 acre: \$2,787 1-5 acres: \$3,563 5-10 acres: \$4,754 10-25 acres: \$6,000 25-50 acres: \$8,572 100+ acres: \$11,815	\$1,446.45	\$1,663.41		\$1,202.40	16.00	\$150.30	2.00	\$255.88	4.00	\$303.21	\$3,597.20	282%	\$515.36	\$4,112.56	323%	*25-50 not assessed in FY24 100+ not assessed, and no fee for 50-100?		
	Comprehensive Planning fee: \$2,444/acre Special District boundary adjustments: 10% of annexation fee																		
																		*figure this one out	
Conceptual Development Plan Type 3	City: \$17,782 UGB: \$26,823	Actual cost of service recommended																	
Declaratory Ruling Type 1	City: \$945 UGB: \$1,040	\$814.86	\$937.08		\$450.90	6.00	\$150.30	2.00	\$0.00	0.00	\$154.43	\$1,700.71	180%	\$515.36	\$2,216.07	235%			
Declaratory Ruling Type 2	City: \$2,302 UGB: \$2,990	\$976.77	\$1,123.29		\$450.90	6.00	\$150.30	2.00	\$0.00	0.00	\$173.05	\$1,905.53	83%	\$515.36	\$2,420.89	105%			
Declaratory Ruling Type 3	City: \$6,166 UGB: \$9,302	Actual cost of service recommended																	
Determination of Non-Conforming Use Status	City: \$139 UGB: \$209	\$913.40	\$1,050.40		\$75.15	1.00	\$37.58	0.50	\$0.00	0.00	\$116.41	\$1,281.04	922%	\$515.36	\$1,796.40	1292%			
Discretionary Use Type 3	City: \$4,978 UGB: \$7,509	Actual cost of service recommended																	
Floodplain Development	City: \$1,437 UGB: \$2,169	\$470.32	\$540.86		\$676.35	9.00	\$150.30	2.00	\$164.34	2.00	\$137.65	\$1,682.50	117%	\$515.36	\$2,197.86	153%			
	Plus Subdivision: \$259 per lot Partitions and site plans: \$520 per acre	\$953.46	\$1,096.47		\$676.35	9.00	\$150.30	2.00	\$164.34	2.00	\$193.21	\$2,293.68	160%	\$515.36	\$2,809.03	195%			
Historic Type 1	City: \$77 UGB: \$203	\$953.46	\$1,096.47		\$150.30	2.00	\$150.30	2.00	\$0.00	0.00	\$139.91	\$1,540.98	2001%	\$515.36	\$2,056.34	2671%			
Historic Type 2	City: \$229 UGB: \$608	\$1,720.36	\$1,978.41		\$150.30	2.00	\$150.30	2.00	\$0.00	0.00	\$228.10	\$2,511.12	1097%	\$515.36	\$3,026.47	1322%			
Historic Type 3	City: \$4,515 UGB: \$46,612	Actual cost of service recommended																	
Establishment of Historic Landmark	City or UGB: \$2,498	Actual cost of service recommended																	
Land Use Compatibility Statement/Zoning Verification Letter	City: \$365 UGB: \$395	\$363.73	\$418.29		\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$41.83	\$460.12	126%	\$515.36	\$975.47	267%			
Manufactured Dwelling Park Type 2	City: \$12,831 UGB: \$19,354	\$1,418.53	\$1,631.30		\$450.90	6.00	\$150.30	2.00	\$0.00	0.00	\$223.85	\$2,464.35	19%	\$515.36	\$2,979.71	23%			
Master Plan Approval Preliminary Type 2	City: \$17,782 + \$823 per acre UGB: \$26,823 + \$823 per acre	Actual cost of service recommended																	
Master Plan Approval Preliminary Type 3	City: \$24,465 + \$823 per acre UGB: \$36,830 + \$823 per acre	Actual cost of service recommended																	
Master Plan Approval Final	10% of the paid master plan approval fee	\$804.04	\$924.64		\$1,427.85	19.00	\$150.30	2.00	\$127.94	2.00	\$252.18	\$2,905.91		\$515.36	\$3,421.27				
Master Plan Modification Type 1	City: \$3,421 UGB: \$5,129	Actual cost of service recommended																	
Master Plan Modification Type 2	City: \$6,888 UGB: \$10,392	Actual cost of service recommended																	
Master Plan Modification Type 3	City: \$12,578 UGB: \$18,389	Actual cost of service recommended																	
Metro Plan Amendment Type 1	City: \$28,288 + \$823 per acre UGB: \$42,672 + \$823 per acre	Actual cost of service recommended																	
Metro Plan Amendment Type 2	City: \$13,719 + \$823 per acre UGB: \$17,595 + \$823 per acre	Actual cost of service recommended																	
Minimum Development Standards Type 1	City only: \$1,299	\$505.64	\$581.49		\$976.95	13.00	\$150.30	2.00	\$127.94	2.00	\$172.17	\$2,025.85	156%	\$515.36	\$2,541.21	196%			
Modification of Approval Type 1	City: \$1,613 UGB: \$2,435	\$790.22	\$908.75		\$450.90	6.00	\$150.30	2.00	\$0.00	0.00	\$151.60	\$1,669.55	104%	\$515.36	\$2,184.91	135%			
Modification of Approval Type 2, non-significant impacts	City or UGB: \$3,421	\$1,002.73	\$1,153.13		\$450.90	6.00	\$150.30	2.00	\$0.00	0.00	\$176.03	\$1,938.37	57%	\$515.36	\$2,453.73	72%			
Modification of Approval Type 2, significant impacts	City or UGB: \$5,298	\$1,141.33	\$1,312.52		\$901.80	12.00	\$150.30	2.00	\$0.00	0.00	\$237.66	\$2,616.29	49%	\$515.36	\$3,131.64	59%			
Non-Conforming Use Expansion/Modification Type 2	City: \$4,978 UGB: \$7,509	\$1,417.21	\$1,629.79		\$1,052.10	14.00	\$37.58	0.50	\$0.00	0.00	\$273.35	\$3,007.31	60%	\$515.36	\$3,522.67	71%			
Partition Tentative Plan Type 2	City: \$6,335 UGB: \$11,592	\$1,312.45	\$1,509.32		\$1,503.00	20.00	\$150.30	2.00	\$191.91	3.00	\$318.26	\$3,697.79	58%	\$515.36	\$4,213.15	67%			
Partition Plat Type 1	City or UGB: \$3,481	\$600.23	\$690.26		\$450.90	6.00	\$0.00	0.00	\$2,174.98	34.00	\$114.72	\$3,470.85	100%	\$515.36	\$3,986.21	115%			
Property Line Adjustment Type 1	City: \$811 UGB: \$1,221	\$380.38	\$437.43		\$225.45	3.00	\$37.58	0.50	\$2,174.98	34.00	\$70.35	\$2,983.28	368%	\$515.36	\$3,498.64	431%			
Property Line Adjustment - Serial Type 2	City: \$1,618 UGB: \$2,441	\$1,027.36	\$1,181.46		\$751.50	10.00	\$37.58	0.50	\$2,174.98	34.00	\$198.05	\$4,388.07	271%	\$515.36	\$4,903.43	303%			
Public Easement Type 2 (Public Easement)	City: \$1,613 UGB: \$2,435	Actual cost of service recommended																	
Public Easement Type 4 (ROW, subdivision plat, or other Public Property)	City: \$6,166 UGB: \$9,302	\$1,514.43	\$1,741.59		\$601.20	8.00	\$150.30	2.00	\$0.00	0.00	\$250.11	\$2,753.20	45%	\$515.36	\$3,268.56	53%			
Minor Replat Tentative Plan Type 2	City: \$4,055	\$1,289.14	\$1,482.51		\$1,052.10	14.00	\$150.30	2.00	\$639.70	10.00	\$269.89	\$3,620.50	89%	\$515.36	\$4,135.85	102%			
Minor Replat Plat Type 1	City: \$2,384	\$345.05	\$396.81		\$601.20	8.00	\$150.30	2.00	\$2,174.98	34.00	\$115.63	\$3,482.92	146%	\$515.36	\$3,998.28	168%			
Major Replat Tentative Plan Type 2	City: \$6,588	\$1,264.50	\$1,454.18		\$1,277.55	17.00	\$150.30	2.00	\$639.70	10.00	\$289.90	\$3,840.63	58%	\$515.36	\$4,355.99	66%			
Major Replat Plat Type 1	City: \$2,384	\$354.39	\$407.55		\$901.80	12.00	\$150.30	2.00	\$2,174.98	34.00	\$147.16	\$3,829.79	161%	\$515.36	\$4,345.15	182%			
Refinement Plan Amendment Type 4	City: \$13,719 + \$823 per acre UGB: \$21,107 + \$823 per acre	Actual cost of service recommended																	
Site Plan Review Type 2	500 or less sq. ft. of new, removed, or net change of impervious surface; and no Traffic Impact Study required; and no change of driveways, access, or circulation City only: \$1,616																		
	500-10,000 square feet of new impervious surface City or UGB: \$5,489	\$1,570.94	\$1,806.58		\$1,127.25	15.00	\$150.30	2.00	\$127.94	2.00	\$309.91	\$3,540.98	219%	\$515.36	\$4,056.34	251%			
	10,000+ square feet of new impervious surface City or UGB: \$5,489 + \$65 per 1,000 square feet																		
Final Site Plan Equivalent Type 1	City or UGB: \$4,891	\$1,018.15	\$1,170.87		\$450.90	6.00	\$37.58	0.50	\$0.00	0.00	\$166.53	\$1,832.38	37%	\$515.36	\$2,347.74	48%			
Final Site Plan Review/Development Agreement Type 1	10% of the paid site plan fee	\$360.32	\$414.36		\$300.60	4.00	\$0.00	0.00	\$0.00	0.00	\$71.90	\$790.86		\$515.36	\$1,306.22				
Solar Access Protection Type 2	City: \$1,015 UGB: \$1,232	Actual cost of service recommended																	
Street Name Change	City: \$6,166	Actual cost of service recommended																	
Subdivision Tentative Plan Type 2	R-1 < 2 acres: \$7,176 + \$309 per lot 2-5 acres: \$10,156 + \$508 per lot 5-10 acres: \$13,434 + \$776 per lot 10-20 acres: \$14,173 + \$807 per lot 20+ acres: \$14,911 + \$895 per lot	\$1,289.14	\$1,482.51		\$1,277.55	17.00	\$150.30	2.00	\$639.70	10.00	\$292.74	\$3,871.79	54%	\$515.36	\$4,387.15	61%			
	Non-R-1 \$12,668 + \$760 per acre																		
	R-1 \$992 + \$618 per lot	\$497.60	\$572.23		\$300.60	4.00	\$150.30	2.00	\$2,174.98	34.00	\$102.71	\$3,340.83	337%	\$515.36	\$3,856.19	389%			
Subdivision Plat Type 1	Non-R-1 \$5,078 + \$825 per acre																		
Temporary Use Type 1, Manufactured Dwelling After Disaster	City or UGB: \$483	\$0 See memo			\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$515.36	\$515.36	107%			
Temporary Use Type 1, Emergency Medical Hardship	City or UGB: \$360	\$1,027.36	\$1,181.46		\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$118.15	\$1,299.61	361%	\$515.36	\$1,814.97	504%			
Minor Tree Felling Permit Type 2	City or UGB: Base fee: \$1,281	\$563.51	\$648.04		\$300.60	4.00	\$0.00	0.00	\$0.00	0.00	\$95.26	\$1,047.90	82%	\$515.36	\$1,563.26	122%			
Major Tree Felling Permit Type 2	< 5 trees: \$0 6-10 trees: \$65 per tree 10+ trees: \$650 per acre Filbert Orchards: Base fee only	\$1,007.33	\$1,158.43		\$375.75	5.00	\$0.00	0.00	\$0.00	0.00	\$153.92	\$1,693.10	132%	\$515.36	\$2,208.46	172%			
Vacation Type 2	City: \$1,613 UGB: \$2,435	\$987.30	\$1,135.40		\$601.20	8.00	\$150.30	2.00	\$0.00	0.00	\$189.49	\$2,086.38	129%	\$515.36	\$2,601.74	161%			
Vacation Type 4	City: \$6,166 UGB: \$9,302	\$1,514.43	\$1,741.59		\$751.50	10.00	\$150.30	2.00	\$0.00	0.00	\$265.34	\$2,920.73	47%	\$515.36	\$3,436.09	56%			
Variance Type 2	City or UGB: \$3,164	\$1,237.37	\$1,422.98		\$601.20	8.00	\$37.58	0.50	\$0.00	0.00	\$206.98	\$2,277.23	72%	\$515.36	\$2,792.58	88%			
Variance Type 3	City: \$8,256 UGB: \$12,455	Actual cost of service recommended																	
Zoning Map Amendment Type 3	City: \$6,832 UGB: \$13,205	Actual cost of service recommended																	
		*Admin staff cost *Admin. staff cost includes time for file set up, noticing, processing, and issuing final decisions, etc.																	



Planning Services Fees

As of **January 3, 2025**

City of Springfield Planning and Development
225 Fifth Street, Springfield, Oregon, 97477

541-726-3753
www.springfield-or.gov

ACS – Actual Cost of Service

Application Type	Base Fee	Admin Fee 7.5%	Notice Fee	Total Fee
ACCESSORY DWELLING UNIT (SDC 3.2.275)				
Accessory Dwelling Unit - Type 1	\$1,414.00	\$106.05	--	\$1,520.05
Accessory Dwelling Unit - Type 2	\$1,469.00	\$110.18	\$203.00	\$1,782.18
Amendment of Plan or Code Text - Type 4 (SDC 5.6.100)	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$11,000.00)
ANNEXATION (SDC 5.7.100)				
Annexation (includes special district withdraw our boundary adjustment.	ACS	7.5%	ACS	ACS + Admin Fee + (Deposit = \$7,000.00)
+ Annexation Comp. Planning fee	\$1000/ac	7.5%	--	Prorated per acre Maximum of \$10,000.00
APPEALS (SDC 5.1.800)				
Appeal of Expedited Land Division	\$408.00	--	--	\$408.00
Appeal of Type 2 Director's decision (ORS 227.175)	\$250.00	--	--	\$250.00
Appeal of Type 3 Decision to City Council	ACS	--	--	ACS (Deposit = \$4,500.00)
Completeness Check Meeting (SDC 5.1.210)	\$678.00	--	--	\$678.00
Comprehensive Plan Amendment - Type 4 (SDC 5.14.100)	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$30,000.00)
Conceptual Development Plan – Type 3 (SDC 3.4.315)	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$20,000.00)
Conceptual Development Plan Amendment – Type 3 (SDC 3.4.315)	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$8,000.00)
DECLARATORY RULING (SDC 5.1.1100)				
Declaratory Ruling - Type 1	\$2,216.00	\$166.20	--	\$2,382.20
Declaratory Ruling - Type 2	\$2,420.00	\$196.73	\$203.00	\$2,819.73
Declaratory Ruling - Type 3	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$7,000.00)
Determination of Non-Conforming Use Status - Type 2 or Type 3 (SDC 5.8.100)	\$1796.00	\$134.70	\$203.00	\$2,133.70
Development Initiation Meeting (SDC 5.1.210)	\$678.00	--	--	\$678.00
Discretionary Use - Type 3 (SDC 5.9.100) or (SDC 4.4.115(D))	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$6,000.00)
Drinking Water Protection Overlay - Type 1 (SDC 3.3.200)	\$1,325.00	\$99.38	--	\$1,424.38
Driveway/Parking (Residential) Review Fee (SDC4.2.120(C))	\$50.00	\$3.75	--	\$53.75 New or expanded



Planning Services Fees

As of **January 3, 2025**

City of Springfield Planning and Development
225 Fifth Street, Springfield, Oregon, 97477

541-726-3753
www.springfield-or.gov

Application Type	Base Fee	Admin Fee 7.5%	Notice Fee	Total Fee
Expedited Land Division - Type 2 (SDC 5.12.200)	The fee is twice the fee that is calculated for a regular land division. Plus, notice fee of \$203.00.			
Floodplain Development - Type 2 (SDC 3.3.400)	\$2,198.00	\$180.08	\$203.00	\$2,581.08
Hillside Overlay District - Type 2 (SDC 3.3.500)	\$1,190.00/ acre	7.5%	\$203.00	As calculated
HISTORIC OVERLAY DISTRICT (SDC 3.3.900)				
Historic - Type 1	\$2,056.00	\$154.20	--	\$2,210.20
Historic - Type 2	\$3,026.00	\$242.18	\$203.00	\$3,471.18
Historic - Type 3	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$5,000.00)
Hospital Support Overlay district - Type 2 (SDC 3.3.1100)	\$3,797.00 + \$797.00 per acre.	7.5%	\$203.00	As calculated
LAND USE COMPATIBILITY (SDC 3.1.120)				
Land Use Compatibility Statement (LUCS) - Type 1 (ex. DMV sign off)	\$365.00	\$27.38	--	\$392.38
Zoning Verification - Type 1	\$975.00	\$73.13	--	\$1,048.13
Manufacture Dwelling Park - Type 2 (SDC 4.7.345)	\$2980.00	\$238.73	\$203.00	\$3,421.73
MASTER PLAN (SDC 5.13.10 0)				
Master Plan Approval - Preliminary - Type 2	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$20,000.00)
Master Plan Approval - Preliminary - Type 3	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$25,000.00)
Master Plan Approval-Final - Type 1	\$3,421.00	\$256.58	--	\$3,677.58
Master Plan Modification - Type 1	ACS	7.5%	--	ACS + Admin Fee (Deposit = \$4,000.00)
Master Plan Modification - Type 2	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$8,000.00)
Master Plan Modification - Type 3	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$14,000.00)
MINIMUM DEVELOPMENT STANDARDS (MDS)				
Minimum Development Standards - Type 1 (SDC 5.15.100)	\$2,541.00	\$190.58	--	\$2,731.58
Minimum Development Standards Small Cell Wireless Facility - Type 1 (SDC 4.3.145)	\$1,299.00	\$97.43	--	\$1,396.43



Planning Services Fees

As of **January 3, 2025**

City of Springfield Planning and Development
225 Fifth Street, Springfield, Oregon, 97477

541-726-3753
www.springfield-or.gov

Application Type	Base Fee	Admin Fee 7.5%	Notice Fee	Total Fee
MODIFICATION OF APPROVAL (SDC 5.1.1015)				
Modification of Approval - Type 1	\$2,185.00	\$163.88	--	\$2,348.88
Modification of Approval - Type 2, non-significant	\$2,453.00	\$199.20	\$203.00	\$2,855.20
Modification of Approval - Type 2, significant impact	\$3,131.00	\$250.05	\$203.00	\$3,584.05
NON-CONFORMING (SDC 5.8.100)				
Non-conforming Use Status - Type 1	\$1,616.00	\$121.20	--	\$1,737.20
Non-conforming Use Expansion/ Modification - Type 2 or Type 3	\$3,522.00	\$279.38	\$203.00	\$4,004.38
NOTICE FEE (SDC 5.1.100 et. seq.)				
Notice - Type 2	\$203.00	--	--	\$203.00
Notice - Type 3 and Type 4	ACS	--	--	ACS
PARTITION (SDC 5.12.100) (see Plat Checking Fees below for final plat fees)				
Partition Tentative Plan - Type 2	\$4,213.00	\$331.20	\$203.00	\$4,747.20 +
+ Partition – tent. per lot fee	\$25.00	7.5%	--	\$25.00/lot + Admin. fee
PLANNING REVIEW OF BUILDING PERMITS				
Minor	\$150.00	--	--	\$150.00
Major	\$268.00	--	--	\$268.00
Pre-Application Meeting (SDC 5.1.210)	\$4,620.00	--	--	\$4,620.00
PROPERTY LINE ADJUSTMENT (SDC 5.16.100)				
Property Line Adjustment - Type 1	\$3,498.00	\$262.35	--	\$3,760.35
Property Line Adjustment - Serial - Type 2	\$4,903.00	\$367.73	\$203.00	\$5,473.73
RECONSIDERATION (SDC 5.1.700)				
Reconsideration - Type 1	\$250.00	\$18.75	--	\$269.75
Reconsideration - Type 2	\$250.00	\$18.75	\$203.00	\$471.75
Reconsideration - Type 3	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$2,500.00)
REPLATS (SDC 5.12.100) (see Plat Checking Fees below for final plat fees)				
Replat Tentative Plan - Minor - Type 1	\$4,135.00	\$310.13	--	\$4,445.13
Replat Tentative Plan - Major - Type 2	\$4,355.00	\$326.63	\$203.00	\$4,884.63
Refinement Plan Amendment	ACS	7.5%	\$203.00	ACS + Admin Fee (Deposit = \$14,500.00)



Planning Services Fees

As of **January 3, 2025**

City of Springfield Planning and Development
225 Fifth Street, Springfield, Oregon, 97477

541-726-3753
www.springfield-or.gov

Application Type	Base Fee	Admin Fee 7.5%	Notice Fee	Total Fee
SITE PLAN (SDC 5.17.100)				
Site Plan Review - Type 1	\$1,616.00	\$121.20	--	\$1,737.20
Site Plan Review - Less than 500 sq. ft. - Type 2	\$1,616.00	\$121.20	\$203.00	\$1,940.20
Site Plan Review - Type 2	\$4,056.00	\$304.20	\$203.00	\$4,563.20
Final Site Plan Review	\$1,306.00	\$97.95	\$203.00	\$1,606.95
Final Site Plan Inspection - Type 1 (for occupancy, change of use, etc.)	\$365.00	\$27.38	--	\$392.38
Solar Access Protection - Type 2 (SDC 5.18.100)	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$3,000.00)
Street Name Change (Municipal Code 3.248)	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$6,500.00)
SUBDIVISION (SDC 5.12.100) (see Plat Checking Fees below for final plat fees)				
Subdivision Tentative Plan - Type 2	\$4,387.00	\$329.03	\$203.00	\$4,919.03 +
+ Subdivision-tent per lot fee	\$25.00	7.5%	--	\$25.00/lot + Admin. fee
TEMPORARY USE				
Temporary Use - Manufactured Dwelling After Disaster - Type 1 (SDC 4.8.105)	\$515.00	\$38.63	\$203.00	\$553.63
Temporary Use - Hardship Dwelling - Type 2 (SDC 5.10.100)	\$1,815.00	\$136.13	\$203.00	\$1,951.13
Time Extension (SDC 5.1.1000(C))	\$500	--	--	\$500.00
TREE FELLING (SDC 5.19.100)				
Minor Tree Felling - Type 2 6-10 trees	\$1,563.00	\$117.23	\$203.00	\$1,883.23
Major Tree Felling - Type 2 More than 10 trees	\$2,208.00	\$165.60	\$203.00	\$2,576.60
Filbert Orchards or other habitat restoration projects	\$1,563.00	\$117.23	\$203.00	\$1,883.23
Corrective Tree Felling	\$1,563.00 + 232/tree	7.5%	\$203.00	As calculated
VACATION (SDC 5.20.100)				
Vacation-Easement - Type 2	\$2,600.00	\$195.00	\$203.00	\$2,998.00
Vacation-Right of Way/Plat - Type 4	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$7,000.00)
VARIANCE (SDC 5.21.100)				
Variance - Minor - Type 2	\$2,792.00	\$209.40	\$203.00	\$3,204.40
Variance - Major - Type 3	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$9,000.00)



Planning Services Fees

As of **January 3, 2025**

City of Springfield Planning and Development
225 Fifth Street, Springfield, Oregon, 97477

541-726-3753
www.springfield-or.gov

Application Type	Base Fee	Admin Fee 7.5%	Notice Fee	Total Fee
WILLAMETTE GREENWAY (SDC 3.3.300)				
Greenway Setback established w/o development - Type 3	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$4,500.00)
Greenway Setback Line already established - Type 3	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$4,500.00)
Greenway Setback Line not already established - Type 3	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$12,000.00)
Zoning Map Amendment - Type 3 or Type 4 (SDC 5.22.100)	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$7,500.00)

Plat Checking Fees (SDC 5.12.135 et. seq.)

Application Type	Survey Fee	Planning Fee	Admin Fee 7.5%	Total Fee
Partition Plat	\$2,175.00	\$1,811.00	\$298.95	\$4,284.95
Subdivision Final Plat	\$2,175.00	\$1,811.00	\$298.95	\$4,284.95 +
+ Subdivision per lot	\$10.00	--	7.5%	\$10.00 per lot + Admin. fee
Minor Replat Final Plat	\$2,175.00	\$1,811.00	\$298.95	\$4,284.95
Major Replat Final Plat	\$2,175.00	\$1,811.00	\$298.95	\$4,284.95
Additional Review	\$100.00	--	7.5%	\$107.50

The final plat fee for subdivisions, partitions, and replats includes the first two plat check reviews. Each additional review of the same plat is charged the additional review fee.

Development Code Application Fees:

Housing Diversity Tax Exemption (HDTE) Application Fee

This fee covers the City's staffing costs for processing applications for the Housing Diversity Tax Exemption (HDTE), if adopted, including application review and decision, and certification to the Lane County Assessor. The Lane County Assessor will also collect a fee to cover its costs for processing approved applications and applying the tax exemption.

There are three different fees to account for the variation in staff time to process an HDTE application depending on how the applicant chooses to meet the program's public benefit requirement.

The Option 1 fee covers costs to process an application meeting clear and objective public benefit criteria.

The Option 2 fee covers costs to process an application where the applicant is paying a fee-in-lieu of including a public benefit in the project and is lower to account for the reduction in staff time.



Planning Services Fees

As of January 3, 2025

City of Springfield Planning and Development
225 Fifth Street, Springfield, Oregon, 97477

541-726-3753

www.springfield-or.gov

The Option 3 fee covers costs for processing an application that includes public benefits not meeting clear and objective criteria which will go to City Council for review and decision. This application fee is the highest to account for the increased staff time to process the application and prepare materials for the Council.

Option 1 fee: \$1,950.00

Option 2 fee: \$1,150.00

Option 3 fee: \$4,000.00

Hearings Official Deposit

Any application being processed before the Hearings Official (except an appeal) must pay an additional deposit of \$5,823 for the cost of the Hearings Official. Any amount not expended by the Hearings Official will be returned to the applicant. Charges in excess of this deposit amount will be assessed to the applicant.

Fee Waivers

Fees may be waived only in accordance with the Springfield Development Code 2.1.135(C).

Expedited Processing Fee

Any request to prioritize and expedited the review of a particular application out of order in which applications are received, must be reviewed and will be approved or denied at the discretion of the Director. Any approved request will be charged a non-refundable fee of \$12,812.00 or 3 times the application fee, whichever is greater; where the development area is greater than 10 acres an additional fee of \$641 per acre will be charged.

Administrative Fee

All applications will be assessed a 7.5% administrative fee with the exception of Application Completeness Check Meeting, Development Initiation Meeting, Pre-Application Meeting, Appeal of a Type 2 Director's Decision, Appeal of an Expedited Land Division, and certain other required fees including notice fee's and time extensions.

Copying Costs

Copying fee: Staff charge out rate, minimum ½ hour

First five (5) copies up to 11" x 17"	No Charge
---------------------------------------	-----------

All additional copies	\$1.00 each
-----------------------	-------------

Large print copies	\$5.00 each
--------------------	-------------

All special ordered maps are charged from the GIS price sheet.

FY24 Revenue Analysis - Proposed Fees

Row Labels	Actual Fee Assessed	Fee at 100% Cost Recovery	% Dif from Actual	\$ Dif from Actual
Building	\$ 72,694.00	\$ 72,426.00	100%	\$ (268.00)
Type I - Planning Review of Building Permit Major City	\$ 59,496.00	\$ 59,228.00	100%	\$ (268.00)
Type I - Planning Review of Building Permit Major UGB	\$ 1,092.00	\$ 1,092.00	100%	\$ -
Type I - Planning Review of Building Permit Minor City	\$ 10,650.00	\$ 10,650.00	100%	\$ -
Type I - Planning Review of Building Permit Minor UGB	\$ 1,456.00	\$ 1,456.00	100%	\$ -
Planning	\$ 864,315.38	\$ 906,609.12	105%	\$ 42,293.74
Land Use Compatibility Statement/Zoning Verification Letter - Permit, City	\$ 10,950.00	\$ 29,264.10	267%	\$ 18,314.10
Land Use Compatibility Statement/Zoning Verification Letter - Permit, UGB	\$ 1,580.00	\$ 2,182.36	138%	\$ 602.36
Planning Application Completeness Check Meeting City	\$ 16,164.00	\$ 16,164.00	100%	\$ -
Planning Application Completeness Check Meeting UGB	\$ 7,436.00	\$ 7,436.00	100%	\$ -
Planning Development Initiation Meeting City & UGB	\$ 14,238.00	\$ 14,238.00	100%	\$ -
Type I - Accessory Dwelling Unit	\$ 8,505.00	\$ 12,727.80	150%	\$ 4,222.80
Type I - Drinking Water Protection Overlay District, City & UGB	\$ 3,975.00	\$ 3,975.00	100%	\$ -
Type I - Final Site Plan Review/Development Agreement, enter amount	\$ 11,482.19	\$ 27,430.62	239%	\$ 15,948.43
Type I - Floodplain Development - base fee, City	\$ 1,437.00	\$ 2,197.86	153%	\$ 760.86
Type I - Floodplain Development - base fee, UGB	\$ 10,845.00	\$ 3,527.35	33%	\$ (7,317.65)
Type I - Historic Commission Review under Type I, City	\$ 77.00	\$ 2,056.34	2671%	\$ 1,979.34
Type I - Minimum Development Standards City Only	\$ 15,588.00	\$ 30,494.52	196%	\$ 14,906.52
Type I - Partitions - Partition Plat, City & UGB	\$ 10,443.00	\$ 11,958.63	115%	\$ 1,515.63
Type I - Pre-Application Meeting City & UGB	\$ 4,620.00	\$ 4,620.00	100%	\$ -
Type I - Property Line Adjustment, City	\$ 4,055.00	\$ 17,493.20	431%	\$ 13,438.20
Type I - Property Line Adjustment, UGB	\$ 3,663.00	\$ 1,711.68	47%	\$ (1,951.32)
Type I - Site Plan Review Type 1 City	\$ 1,613.00	\$ 2,347.74	146%	\$ 734.74
Type I - Subdivision NON-R-1 Plat, enter # acres	\$ 22,403.00	\$ 20,933.69	93%	\$ (1,469.31)
Type I - Subdivision R-1 Plat, enter # lots	\$ 31,648.00	\$ 37,376.38	118%	\$ 5,728.38
Type I - Time Extension for certain Improvements, City	\$ 1,254.00	\$ 1,254.00	100%	\$ -
Type II - Accessory Dwelling Unit	\$ 1,890.00	\$ 2,939.54	156%	\$ 1,049.54
Type II - Declaratory Ruling Type 2 City	\$ 2,302.00	\$ 2,420.89	105%	\$ 118.89
Type II - Historic Commission Review under Type II, City	\$ 458.00	\$ 6,052.94	1322%	\$ 5,594.94
Type II - Non-Conforming Use Expansion/Modification , City	\$ 4,978.00	\$ 3,522.67	71%	\$ (1,455.33)
Type II - Notice Fee	\$ 7,917.00	\$ 7,917.00	100%	\$ -
Type II - Partitions - Partition Tentative Plan, City	\$ 44,345.00	\$ 29,492.05	67%	\$ (14,852.95)
Type II - Property Line Adjustment - Serial, City	\$ 1,618.00	\$ 4,903.43	303%	\$ 3,285.43
Type II - Replat - Major Replat Tentative Plan, City	\$ 6,588.00	\$ 4,355.99	66%	\$ (2,232.01)
Type II - Site Plan Review - 10,000 sq ft plus of new impervious surface - City & UGB, enter sq ft	\$ 99,664.54	\$ 88,203.24	89%	\$ (11,461.31)
Type II - Site Plan Review - 500 to 9,999 sq ft of new impervious surface - City & UGB	\$ 10,978.00	\$ 8,112.68	74%	\$ (2,865.32)
Type II - Site Plan Review - under 500 sq ft of new/removed/changed impervious surface - City & UGB	\$ 6,464.00	\$ 16,225.36	251%	\$ 9,761.36
Type II - Subdivision R-1 Tentative Plan - < 2 acres, per lot - enter # of lots	\$ 7,485.00	\$ 4,696.15	63%	\$ (2,788.85)
Type II - Subdivision R-1 Tentative Plan - > 20 acres, per lot - enter # of lots	\$ 216,286.00	\$ 205,762.15	95%	\$ (10,523.85)
Type II - Tree Felling - Corrective Action, per tree	\$ 928.00	\$ 928.00	100%	\$ -
Type II - Tree Felling Permit - City & UGB, > 10 trees - base fee only	\$ 2,562.00	\$ 4,416.92	172%	\$ 1,854.92
Type II - Tree Felling Permit - City & UGB, > 10 trees - enter # of acres	\$ 2,411.50	\$ 2,411.50	100%	\$ -
Type II - Tree Felling Permit - City & UGB, 6 to 10 trees - enter # of trees	\$ 3,082.00	\$ 4,936.92	160%	\$ 1,854.92
Type II - Tree Felling Permit - City & UGB, Filbert Orchards	\$ 1,281.00	\$ 2,208.46	172%	\$ 927.46
Type II - Vacation - Public Easement, City	\$ 1,613.00	\$ 2,601.74	161%	\$ 988.74
Type II - Variance - Minor Variance (up to 30%), City & UGB	\$ 3,164.00	\$ 2,792.58	88%	\$ (371.42)
Type III - Discretionary Use, City	\$ 4,978.00	\$ 4,978.00	100%	\$ -
Type III - Notice Fee	\$ 3,423.00	\$ 3,423.00	100%	\$ -
Type III - Variance - Major Variance, City	\$ 8,256.00	\$ 8,256.00	100%	\$ -
Type III - Zoning Map Amendment, City	\$ 27,328.00	\$ 27,328.00	100%	\$ -
Type III - Zoning Map Amendment, UGB	\$ 13,205.00	\$ 13,205.00	100%	\$ -
Type IV - Annexation, 1 Acres > 5 Acres	\$ 14,252.00	\$ 16,450.24	115%	\$ 2,198.24
Type IV - Annexation, 25 Acres > 50 Acres	\$ 22,341.00	\$ 12,337.68	55%	\$ (10,003.32)
Type IV - Annexation, 5 Acres > 10 Acres	\$ 4,754.00	\$ 4,112.56	87%	\$ (641.44)
Type IV - Annexation, Single Unit Dwelling Detached, on R-1 Prop of less than 10000 sq ft	\$ 2,550.00	\$ 8,225.12	323%	\$ 5,675.12
Type IV - Annexation, special district boundary adjustments/withdrawals - enter amount	\$ 4,668.40	\$ 4,668.40	100%	\$ -
Type IV - Annexation,< 1 Acres	\$ 5,574.00	\$ 8,225.12	148%	\$ 2,651.12
Type IV - Notice Fee	\$ 11,056.00	\$ 11,056.00	100%	\$ -
Type IV - Type I - Metro Plan Amendment - special instruction Type IV - City, base fee	\$ 56,576.00	\$ 56,576.00	100%	\$ -
Type IV - Type I - Metro Plan Amendment - special instruction Type IV - City, per acre	\$ 26,541.75	\$ 26,541.75	100%	\$ -
Type IV - Type I - Metro Plan Amendment - special instruction Type IV - City, per acre - enter # of	\$ 32,403.00	\$ 32,394.77	100%	\$ (8.23)
Type IV - Type II - Metro Plan Amendment - special instruction Type IV - UGB, per acre	\$ 18,418.00	\$ 14,542.00	79%	\$ (3,876.00)
Grand Total	\$ 937,009.38	\$ 979,035.12	104%	\$ 42,025.74

Staff reviewed all the planning applications submitted in FY 24 and applied the proposed new fees. With the proposed new fee's FY24 development application revenue increased 4% over the revenue collected from currently adopted development application fees.

CITY OF SPRINGFIELD, OREGON
RESOLUTION NO. _____

A RESOLUTION AMENDING SECTIONS 6, 7 AND 8 OF THE CITY OF SPRINGFIELD MASTER FEES AND CHARGES SCHEDULE TO REPLACE THE TECHNOLOGY FEE WITH AN ADMINISTRATIVE FEE, CHANGE THE ANNEXATION COMPREHENSIVE PLANNING FEE, AND UPDATE OTHER PLANNING SERVICES FEES

WHEREAS, the City has authority pursuant to Section 4 of the 2001 Springfield Charter and Oregon Revised Statutes to establish fees and charges based on actual or average costs for providing those services;

WHEREAS, Springfield Development Code Section 2.1.135 provides that the City Council shall establish fees by separate Resolution for the performance of the actions and reviews required by the development;

WHEREAS, ORS 227.175 provides that a governing body must establish fees charged for processing permits (a decision that requires discretionary approval of a land development proposal) or a zone change at an amount no more than the actual or average cost of providing that service;

WHEREAS, City of Springfield fees and charges are set out in the City of Springfield Master Fees and Charges Schedule;

WHEREAS, in 2006, the City of Springfield added a 5% Technology Fee to pay for technology applications to improve customer service (Resolution 06-30);

WHEREAS, in 2022, the City of Springfield adopted significant changes to the Springfield Development Code;

WHEREAS, currently most Building and Safety Fees (Section 6 of the Master Fees and Charges Schedule), Engineering Fees (Section 7 of the Master Fees and Charges Schedule) and Planning Services Fees (Section 8 of the Master Fees and Charges Schedule) are assessed the 5% Technology Fee;

WHEREAS, in 2023, the City commissioned Portland State University to conduct a planning fee study that included comparative fee data from other cities, time surveys from staff, and overhead cost information;

WHEREAS, the City Council gathered information and deliberated about the City of Springfield planning services fees, and also, more specifically, the Annexation Comprehensive Planning Fee and the existing Technology Fee during work sessions on May 28, September 9, and November 4, 2024;

WHEREAS, in its deliberations, the Springfield City Council determined that a simplified planning services fee schedule that reflects actual cost of processing certain types of applications would be beneficial for the community;

WHEREAS, the Springfield City Council determined that changing the Annexation Comprehensive Planning Fee to a flat rate of \$1,000 per acre with a cap of \$10,000 total would provide annexation

applicants with more certainty and still support the City of Springfield's comprehensive planning program;

WHEREAS, in its deliberations, the Springfield City Council determined that replacing the current 5% Technology Fee with a 7.5% Administrative Fee would better serve development in the community because while it would continue to assist with customer service technology upgrades, an Administrative Fee would also provide funding for the Comprehensive Planning program, and support for development services and code enforcement staffing;

WHEREAS, the 10% Administrative Fee for Sign and Temporary Sign Permits in Section 6 of the City of Springfield Master Fees and Charges Schedule will be replaced with the 7.5% Administrative Fee for consistency;

WHEREAS, the opportunity for public comment at a public hearing has been provided prior to the adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD:

Section 1: The following changes to the City of Springfield Master Fees and Charges Schedule attached hereto as Exhibit A are hereby adopted:

Section 2: The 5% Technology Fee is repealed and replaced with a 7.5% Administrative Fee.

Section 3: Future City of Springfield Resolutions may be adopted to amend, add, or delete any rate, permit fee, license fee, or other fee or charge.

Section 4: In the event any rate, permit fee, license fee, fee or charge specified in the City of Springfield Master Fees and Charges Schedule should be held invalid by operation of law or any court of competent jurisdiction or the enforcement of any fee restrained by such court pending the final determination as to its validity, the remainder of the rates, permit fees, license fees, fees and charges specified in the City of Springfield Master Fees and Charges Schedule shall not be affected thereby and shall remain in full force and effect.

Section 5: This Resolution will take effect on January 3, 2025.

ADOPTED by the Common Council of the City of Springfield this ____ day of December, 2024, by a vote of ____ for and ____ against.

ATTEST:

City Recorder

Section 6: Building and Safety Fees

Section 6: Building and Safety Fees

The following fees shall be charged for the Building and Safety activities of the City:

Technology-Administrative Fee: All applications/permits/fees will be assessed a 7.5% ~~technology~~ administrative fee.

Building Permits

(ORS 458.447)

Structural, Commercial, Mechanical and Plumbing Permit Fees (where applicable)

Table No. 3-A

TOTAL VALUE		Fee
\$1.00 - \$2,000		114.00
\$2,001 - \$25,000	for the first \$2,000 in value	114.00
	plus for each additional \$1000 or fraction thereof.	14.65
\$25,001 - \$50,000	for the first \$25,000 in value	450.65
	plus for each additional \$1,000 or fraction thereof	10.97
\$50,001 - \$100,000	for the first \$50,000 in value	724.90
	plus for each additional \$1,000 or fraction thereof	7.34
\$100,001 and Up	for the first \$100,000 in value	1,091.90
	plus for each additional \$1,000 or portion thereof	6.12

In addition to the Building Permit Fee, the Plan Check Fee shall be 65% of the Building Permit fee.

Fire & Life Safety Plan Review When Required 65% of Building Permit Fee

Solar Permits

Prescriptive Photovoltaic - Installations in compliance with section 305.40 of the Oregon Solar Installation Specialty Code; includes plan review 205.00

Non-Prescriptive Photovoltaic - All other installations based on valuation of the structural elements for the solar panels, including racking, mounting elements, rails, and the cost of labor to install use Table 3-A

Residential Fire Suppression – 13R Standalone Systems (includes plan review)

1 – 2,000 sq. ft.	260.00
2,001 – 3,600 sq. ft.	321.00
3,601 – 7,200 sq. ft.	417.00
7,201 sq. ft. and greater	528.00

For the purpose of defraying the cost of applying regulations as provided in ORS 458.447, a seismic surcharge of 1% of the structural and/or mechanical permit fee collected for essential, hazardous, major and special occupancy structures shall be collected.

Section 6: Building and Safety Fees

To the above fees, please add 12% State Surcharge.

Fire Department New Construction Square Footage Fees

Residential Square Footage	\$0.07/per sq. ft.
----------------------------	--------------------

Commercial Square Footage	\$0.12/per sq. ft.
---------------------------	--------------------

Applies to each square foot created requiring a building permit. Example: 1,550 sq. ft.

house x \$0.07 = \$108.00.

Fees will be collected by the Development and Public Works department at issuance of the building permit as an additional fee.

Mobile Emergency Responder Radio Coverage Program (MERRC)

0 to 50,000 sq.ft.	\$0.50/per sq.ft.
--------------------	-------------------

Additional sq. ft. from 50,001 to 100,000	\$0.30/per sq.ft.
---	-------------------

Additional sq. ft. exceeding 100,000	\$0.10/per sq.ft.
--------------------------------------	-------------------

Electrical Permits

Table No. 3-B

<u>Description</u>	<u>Fee</u>
Residence New 1&2 Family Dwelling wiring less than 1,000 square feet	208.00
Each additional 500 ft ² or portion thereof	41.00
New Multifamily Construction	Fee for largest unit calculated using above Square footage rates, plus 50% of permit fee for each additional unit
Manufactured Home or Modular Dwelling (Service or Feeder)	99.00
Temporary Power – 200 amps or less	99.00
Temporary Power – 201 to 400 amps	137.00
Temporary Power – 401 to 600 amps	198.00
Temporary Power – 601 to 1000 amps	263.00
Temporary Power – 1001 or more amps or volts	603.00
Permanent Service or Feeder – 200 amps or less	126.00
Permanent Service or Feeder – 201 to 400 amps	147.00
Permanent Service or Feeder – 401 to 600 amps	248.00
Permanent Service or Feeder – 601 to 999 amps	320.00
Permanent Service or Feeder – 1000 amps or volts	732.00
Electrical Service Reconnection with no changes to existing service size	114.00
Branch Circuits	
-Without service or feeder fee – first branch	99.20
-With service or feeder fee – each branch circuit	8.80
-Each Additional Branch Circuit	8.80
Each Irrigation Pump	99.00
Each Electrical Sign or Outline Lighting	99.00
Each Signal Panel	99.00
Limited Energy – Residential	50.00
Limited Energy – Multi Family per floor	50.00

Section 6: Building and Safety Fees

Limited Energy – Multi Family protective signaling per floor	50.00
Limited Energy – Commercial	114.00
Inspections not covered by this schedule minimum 1 hour	114.00
Re-inspection Fee/each	114.00
Inspections Outside Normal Business Hours minimum 1 hour	130.00
Minimum Permit Fee - Electrical	114.00
Electrical Investigation Fee/hour	114.00
Inspections For Which No Fee is Specifically Indicated/hour	114.00
Electrical Plan Review	25% of Permit Fee
Renewable Energy Systems	
5 KVA or Less	147.00
5.01 to 15 KVA	193.00
15.01 to 25 KVA	244.00
Over 25 KVA:	
Solar Generation Systems	244.00 + 12.60 for each additional KVA Not to exceed 1,262.00
Wind Generation Systems:	
25.01 to 50 KVA	308.00
50.01 to 100 KVA	616.00
Over 100 KVA	Calculated based on Service or Feeder sizes and Branch Circuits

To the above fees, please add 12% State Surcharge.

Mechanical Permits (Residential)

Mechanical Permit Fees

Table No. 3-D

<u>Description</u>	<u>Fee</u>
Minimum Permit Fee	114.00
HVAC	
Up to 100,000 BTU	25.20
More than 100,000 BTU	28.35
Unit Heater	25.20
Air Handling Unit	
Up to 10,000 CFM	39.00
10,001 CFM and over	50.00
Evaporative Cooler/Fan	33.00
Vents	
Hood and Exhaust	33.00
Vent Fan to One Duct	22.00
Appliance Vent	22.00
Gas Piping	
Each Piping System 1-4 Outlets	16.50
Each Outlet over 4	5.50
LP Gas Tank and Piping	50.00

Section 6: Building and Safety Fees

Miscellaneous	
Domestic Incinerator	50.00
Commercial Incinerator	114.00
Wood/Pellet Stove	61.00
Heat Pump	50.00
Each Appliance Not Listed on this Schedule	34.00
Inspections Not Covered by this Schedule/hour	114.00
Re-inspection Fee/each	114.00
Inspections Outside Normal Business Hours minimum 1 hour	171.00
Mechanical Investigation Fee/hour	114.00
Hourly Inspection Fee for Requests Not In Permit Tables/hour	114.00
Mechanical Plan Review Fee	25% of Permit Fee
Commercial/Industrial/Public Mechanical System including installation costs	Value based, See Table 3-A

To the above fees, please add 12% State Surcharge.

For the purpose of defraying the cost of applying regulations as provided in ORS 455.447, a surcharge of 1% to the structural and/or mechanical permit fees collected for essential, hazardous, major and special occupancy structures shall be collected.

Plumbing Permits

Plumbing Permit Fees

Table No. 3-C

Fees for the construction, alteration, or repair of plumbing shall be calculated as described below. One- or two-family new construction fees include one kitchen and up to 100 feet each of water, sewer, and storm lines.

One- or two-family new construction with one kitchen and one bath	373.00
One- or two-family new construction with one kitchen and two bath	583.00
One- or two-family new construction with one kitchen and three bath	687.00
One- or two-family new construction - Each Additional Bath, ½ bath counted as full	148.00
One- or two-family new construction - Each Additional Kitchen	148.00
Single Plumbing Fixture/each	28.00
Sanitary Sewer:	
For the first 100 feet of line	119.00
Each additional 100 feet of line or portion	28.00
Water Service:	
First 100 feet of line	119.00
Each additional 100 feet of line or portion	28.00
Storm and Rain Drain:	
First 100 feet of line	119.00
Each additional 100 feet of line or portion	28.00
Sewage Ejector Pump/each	28.00
Special Waste Connection/each	28.00
Manufactured Home hook up on improved lot	115.00

Section 6: Building and Safety Fees

Backflow Prevention Device/each	28.00
Relocated Structure	114.00
Sanitary or Storm Sewer Cap	114.00
Any trap or waste not connected to a fixture/each	28.00
Any plumbing installation not listed in this schedule with sanitary waste or portable water supply	28.00
Minimum Plumbing Permit Fee	114.00
Re-inspection Fee/each	114.00
Inspections Not Covered By Schedule/hour	114.00
Inspections Outside Normal Business Hours minimum 1 hour	171.00
Investigation Fee/hour	114.00
Commercial - Medical Gas	
Permit fee based on the valuation of installation costs and the system equipment:	30% of Permit Fee
Plan Review Fee for Med Gas	30% of Permit Fee
When plans are incomplete or substantially changed so as to require additional plan review, additional hourly plan review fees may be charged based on the additional time required.	
Plumbing Plan Review Fee	30% of Permit Fee
Residential Fire Sprinklers – 13D Multipurpose or Continuous Loop Fire Suppression	
1 – 2,000 sq. ft.	114.00
2,001 – 3,600 sq. ft.	183.00
3,601 – 7,200 sq. ft.	272.00
7,201 sq. ft. and greater	363.00

To the above fees, please add 12% State Surcharge.

Additional Miscellaneous Fees

Miscellaneous Building Fees

Table No. 3-F

Please add 12% State Surcharge (Where Applicable)

<u>Description</u>	<u>Fee</u>
Master Permit Program	122.00
Investigative Fee – all disciplines/hour	114.00
Inspection for Which No Fee is Specifically Indicated – all disciplines/hour	114.00
Moving a Building or Structure	455.00
Demolition of a Building or Structure – total removal, no state surcharge	114.00
Prefabricated Structures	By value, see Table 3-A
Hourly Inspection Fee for Requests Not In Permit Table – all disciplines/hour	114.00
Address Assignment, each new or change unless requested by city staff/each	61.00
Temporary Certificate of Occupancy Approval - Shall Not Exceed 30 Days Without Renewal.	
Renewal Fee is the Same Fee As Original Temporary Occupancy Permit Fee:	
1 & 2 Family Dwellings/per 30-day period	198.45
Triplex & 4-Plex/per 30-day period	388.50
Apartment Buildings/ per 30-day period	388.50 + 47.25/unit

Section 6: Building and Safety Fees

Remodels Alterations Commercial/Industrial Buildings & Tenant Infill/per 30-day period	198.45
All other Commercial/Industrial Buildings/per 30-day period	582.75 +10% of Bldg. Permit Fee
Same As Plan Review Submittal	390.00
Manufactured Home Placement	619.50 +\$30.00 State Admin Fee
Manufactured Dwelling/RV Parks – Area Development Permit	
The Area Development Permit fees to be calculated based on the valuations Shown in Table 2 of OAR 918-600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp	
Additional Plan Review Due To Changes In Plans – all disciplines	114.00/hr.
Hazardous Technical Report with No Plan Review	114.00/hr.
Administrative Fee for Non-Sufficient Funds Check	\$ 189.00
Administrative Fee – Non-Specialty Code Permits	10%
Administrative Fee for Cash Deposits	10%
Inspections Outside Normal Business Hours/hour – all disciplines, 1 hour minimum	171.00
Re-inspection Fee/each	114.00
Quick Start (Expedited Plan Review) – at cost, third party	
Phased Permits	355.00 + 10% of the total building permit fee for each phase of work not to exceed \$1,500.00 for each phase.
Deferred Permits	65% of Bldg. Permit Fee calculated using the valuation of the deferred portion of the project, with a minimum fee of 105.00
Research Requests	
Technical (15-30 minutes)	40.95
Technical (31-60 minutes)	78.75
Non-Technical (15-30 minutes)	25.20
Non-Technical (31-60 minutes)	48.30
Any copy fee is in addition to research fees.	30 Minutes is minimum fee
Posting Substandard Structures	114.00
Monthly Reports – Yearly “Mailing” List	99.75/mailed 60.90/faxed
Weekly Issued Reports – Yearly “Mailing” List	431.55/mailed 238.35/faxed
Addressing Information –Non-Agency-Government Yearly “Mailing” List	99.75/mailed 60.90/faxed
Fire Department Process/Application Fee	10% of Fire fee

Copying Costs

Copying Fee:	Staff Charge out rate	½ hour minimum
Plus:	First 5 copies up to 11” x 17”	No charge
	All additional copies	\$ 0.50 each
	Large print copies	\$ 4.00 each

Section 6: Building and Safety Fees

All special ordered maps are charged from the GIS price sheet.

Copying Fee: Staff charge rate	½ hr. minimum
Technical Research Fee:	\$ 109.00/hr.

Signs

Sign Code Plan Review

(SMC 8.218(1))

Permit Applications. Two complete sets of plans, engineering calculations, diagrams and other data shall be submitted with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect.

(a) A scaled plot plan with building dimensions, setback and location of proposed signs shall be submitted with the sign permit application. A photograph of each facade of the building shall be submitted.

(b) A scaled elevation drawing shall be submitted in addition to the above requirements if a wall mounted sign will be erected.

(c) A description of materials, anchors, footings and attachment systems shall be provided.

(d) For all freestanding, pole or projecting signs over 20 feet in height, plans shall be submitted, drawn by a registered engineer.

(e) Each application shall include photographs of existing signage on the property associated with the business.

(f) If the application is for a billboard, the application must include an approved permit from the state of Oregon under the Oregon Motorists Information Act of 1971 (ORS 377.700 et seq.) prior to the erection of the billboard.

Per Sign	52.00
----------	-------

Sign Permit Fees

(SMC 8.218(2)) (2)

Permit-Fees. Sign permit fees for permanent and temporary signs, excluding electrical, shall be set by resolution of the Council. Only one face of a double-faced sign will be used for calculation purposes. Each sign shall be considered separately when calculating plan review and sign permit charges.

0-35 square feet	98.00
36-to 60 square feet	135.00
61 to 100 square feet	196.00
101 to 150 square feet	207.00
151 to 200 square feet	244.00
201 to 300 square feet	306.00
301 to 400 square feet	368.00

~~7.5% Technology-Administrative Fee (surcharge)~~ will be applied when imposed or collected.

~~10% Administrative Fee will be applied when imposed or collected.~~

Section 6: Building and Safety Fees

Temporary Sign Permit Fee

(SMC 8.218 (3))

Temporary Sign Permit Fees. Four permits for each approved development area shall be permitted per calendar year. The fee for each permit shall be set by resolution by the Council. No temporary sign(s) shall be larger than 60 square feet and be erected for a maximum of 30 consecutive days per each permit. The temporary sign(s) shall be located completely on private property and shall be in compliance with the required setbacks as identified in Springfield Municipal Code. A security deposit is required when this permit is issued. If the applicant fails to remove the temporary sign(s) by the date specified on the permit, the deposit shall be forfeited and the City may remove the temporary sign(s). If any temporary signs are erected without first obtaining a permit, the permit fee shall be doubled. Temporary signs erected by or for the City for City-sponsored events, authorized by the City, or for the park district, utility company, or hospital for community events are exempt.

Per permit	122.00
Plus security deposit	122.00

7.5% Technology Administrative Fee (surcharge) will be applied when imposed or collected.

~~10% Administrative Fee will be applied when imposed or collected.~~

Sign Code Modification Fee

(SMC 8.238(2))

A modification is defined as a request for a sign that complies with the provisions of this sign code in all respects except size or height and the proposed request is not more than 15 percent greater than otherwise allowed. If the applicant chooses to apply for a modification to the sign code, they may apply through the development services department for a cost set by resolution of the council. This modification request will be reviewed, and a decision reached by the Development and Public Works Director within 30 days of the application, providing the application is complete.

The following criteria must be met in order for a modification to be approved:

- (a) Locational and/or dimensional problems have been identified; and
- (b) The proposed adjustment will not cause any of the following adverse effects on neighboring properties:
 - (i) Creates a vision clearance hazard for pedestrians, motor vehicles or bicyclists; or
 - (ii) Creates a hazard for fire prevention or fire suppression; or
 - (iii) Public safety is compromised; and
- (c) The hardship is not self-imposed.

Per application	244.00
-----------------	--------

7.5% Technology Administrative Fee (surcharge) will be applied when imposed or collected.

Sign Code Appeal Fee (Building Board of Appeals)

(SMC 8.238(5)) An applicant who is denied a modification request may appeal the decision of the Development and Public Works Department to the Building Board of Appeals for a cost set by resolution of the Council. The request will be reviewed by the Board and a decision reached within 30 days of the application date.

Per Application	184.00
-----------------	--------

7.5% Technology Administrative Fee (surcharge) will be applied when imposed or collected.

Sign Code Appeal Fee (City Council Appeal)

(SMC 8.238(6)) An applicant may appeal the decision of the Board of Appeals regarding an appeal of a modification or a variance to the City Council for a cost set by resolution of the Council. The City Council's decision is final except that a writ of review to Circuit Court is available to appeal the City Council's decision pursuant to Oregon law. [Section 8.238 amended by Ordinance No. 6008, enacted March 18, 2002.]

Per application	122.00
-----------------	--------

Section 6: Building and Safety Fees

7.5% TechnologyAdministrative Fee ~~(surcharge)~~ will be applied when imposed or collected.

Sign Code Variance Fee

(SMC 2.568(5)) Hear appeals from the sign code as provided in Chapter 8, Section 8.238 of the Springfield Municipal Code.

Per Application	368.00
-----------------	--------

Section 7: Engineering

Section 7: Engineering

The following fees shall be charged for the Engineering activities of the City:

Land Drainage Alteration Permit

(Resolution 11-23, SMC 8.332(1), 8.332(2))

Plan Checking Fee

For excavation and fill on the same site, the fee shall be based on the volume of the excavation or fill, whichever is greater. Before accepting a set of plans and specifications for checking, the Development and Public Works Director shall collect a plan-checking fee. Where not covered by the approved improvement plans for the development, separate permits and fees may apply to retaining walls or major drainage structures in accordance with the State Building Code. There shall be no separate charge for standard terrace drains and similar facilities. The amount of the plan checking fee for grading plans shall be based on the average actual costs as set forth by resolution of the City Council. The rates and charges herein provided are for incurred costs based upon the use or availability for use of the public right-of-way and/or the storm sewer system, as well as for meeting the routine obligations of ownership, which is necessary for the regulation of and provision for public health, safety, and welfare. The charge is controlled by the user's or potential user's request and choice of the kind, nature, and quantity of use. The plan-checking fee, for a grading permit authorizing additional work to a valid permit, shall be the difference between such fee paid for the original permit and the fee shown for the entire project.

Grading Permit Fees

A fee for each grading permit shall be paid to the Development and Public Works Director based on the average actual costs as set forth by resolution of the City Council. The rates and charges herein provided are for incurred costs based upon the use or availability for use of the public right-of-way and/or the storm sewer system, as well as for meeting the routine obligations of ownership, which is necessary for the regulation of and provision for public health, safety, and welfare. The charge is controlled by the user's or potential user's request and choice of the kind, nature, and quantity of use. The fee for grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

Single Family/Duplex Residential

"Short Form" fee (non-sensitive areas: i.e., lot slope less than 15%; no work in or near a drainageway or swale; no wetlands on site; not in a flood plain)

Flat fee	\$650.00
----------	----------

"LDAP" fee (work within sensitive areas: i.e., any of the following: lot slope equal to or greater than 15%; work in or near a drainageway or swale; wetlands on site; site in flood plain)

Flat fee	1303.00
----------	---------

Commercial/Industrial/Multifamily/Other

1) Plan Check Fee		\$650.00
2) Plus: Volume Fee	Up to 100 cubic yards	\$323.00
	101 to 1,000 cubic yards	\$323.00
	Plus: Per 100 cubic yards over 100	\$63.00
	1,001 to 25,000 cubic yards	\$892.00
	Plus: Per 1,000 cubic yards over 1,000	\$108.00

Section 7: Engineering

Greater than 25,000 cubic yards:

Actual recorded staff costs, overhead
and project expenses
\$3,323.70 minimum

Plus: \$5,472.20 deposit and additional
deposits as required

Plus Permit Administration/Inspection Fee

Up to 100 cubic yards \$323.00

101 to 1,000 cubic yards \$323.00

Plus: Per 100 cubic yards over 100 \$108.00

1,001 to 25,000 cubic yards \$1302.00

Plus: Per 1,000 cubic yards over 1,000 \$215.00

Greater than 25,000 cubic yards

Actual recorded staff costs, overhead
and project expenses
6395.00minimum

Plus \$ 5420.00 deposit and additional
deposits as required

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Corrective LDAP

Any LDAP processed after work is conducted without required City approvals is considered a corrective LDAP. In addition to the normal LDAP fees, calculated based on an estimate of the work performed at the time of the corrective LDAP, the corrective LDAP shall also pay for actual recorded staff costs, overhead, and project expenses in the administration of the corrective LDAP. If the deposit is insufficient to cover City expenses for the project, additional deposits will be required.

Corrective LDAP initial deposit:

Base (one acre or less) \$\$3611.00 (+ the standard LDAP fees)

For lots greater than one acre Base + \$1,836.00 per acre

Re-Inspection Fee

\$141.00

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Asphalt Damage Deposit

(SMC 3.210(1)(a), 3.212(3)) Before the issuance of any permit under this article, the Development and Public Works Director shall require the applicant to deposit such reasonable security as the Director requires to comply with the provisions of this article and with the City's specifications pertaining to the conduct of work.

\$\$1241.00

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Section 7: Engineering

Comprehensive Fee for Use of Public Ways (Non-Utility)

(SMC 3.224) No structure or device shall be placed in, upon, over or under the public way unless the owner of such structure or device shall have received a placement permit authorizing the placement of such structure or device. Any violation of this provision shall be an infraction within the meaning of Chapter 5 of this code.

Annual rental of City conduit	\$2.60 per foot
Annual placement fee for conduit four inches or less in diameter	\$6.50 per foot
And for each inch of diameter in excess of four inches.	\$1.30 per foot

7.5% TechnologyAdministrative Fee ~~(surcharge)~~ will be applied when imposed or collected.

Wireless Telecommunications, per Structure with Attached Facilities \$747.00

Encroachment Permit

(SMC 3.212(1)) Applications for the encroachment permit shall be on the form prescribed by the Development and Public Works Director, and accompanied by the fee therefore, in an amount fixed by the Council by resolution.

Type 1: The Encroachment Permit Type 1 is intended for encroachment permit requests that do not rise to the level of a Type 2 permit. \$404.00

Re-inspection Fee \$141.00

7.5% TechnologyAdministrative Fee ~~(surcharge)~~ will be applied when imposed or collected.

Type 2: The Encroachment Permit Type 2 is intended for complex encroachment permit requests that require professional plans but that do not rise to the level of a Public Improvement Project.

Deposit Flat Fee \$5180.00

7.5% TechnologyAdministrative Fee ~~(surcharge)~~ will be applied when imposed or collected.

Sign Permit Fee: Signs in the Public Right-of-Way (Banners)

(SMC 3.223(1),(7)) Banner. Any non-rigid material such as canvas, vinyl or cloth, with no enclosing framework, which contains advertising copy.

Over the Street Banner

(SMC 3.223(1),(7)) Over the Street Banner. A banner that hangs between two poles that straddle the City street at locations designated by the City.

Per permit \$192.00

Open Banner

(SMC 3.223(1),(7)) Open Banner. A double sided, embroidered banner displayed in the Downtown or Mohawk area that is attached to a pole, purchased and installed by the City, and advertises a business or organization.

Downtown Business District \$141.00-192.00

Mohawk Business District \$141.00-192.00

Light Pole Banner

(SMC 3.223 (1),(7)) Pole Banner. A banner attached to City utility poles or traffic signal poles at designated areas throughout the City.

Per permit \$128.00

7.5% TechnologyAdministrative Fee ~~(surcharge)~~ will be applied when imposed or collected.

Comprehensive Telecommunication Placement Plan Review Fee

(SMC 3.226(6)) At the election of the applicant, the applicant may file a comprehensive telecommunications placement plan which describes all facilities it presently intends to install. Such plan

Section 7: Engineering

is subject to approval of the Development and Public Works Director and may be modified from time to time by the applicant with the approval of the Development and Public Works Director. The fee for review of such plan shall be fixed by the Council by resolution.

\$1015.00

5% ~~TechnologyAdministrative~~ Fee (~~surcharge~~) will be applied when imposed or collected.

Curb Cut Fee

(SMC 3.254, 3.256) In case the permit shall be granted, it shall be the duty of the applicant to pay a fee based on the average actual costs as set forth by resolution of the Council. The same fee shall be charged for new construction or repair. The rates and charges herein provided are incurred costs based upon the use or availability for use of the public right-of-way, the availability of which is necessary for the regulation of, and provision for, the public health, safety and welfare. The charge is controlled by the user's (or potential user's) request and choice of the kind, nature and quantity of use.

First curb cut	\$146.00
Second curb cut	\$78.00
Re-inspection fee	Per re-inspection
	\$141.00

7.5% ~~TechnologyAdministrative~~ Fee (~~surcharge~~) will be applied when imposed or collected.

Curb Cut Fee and Sidewalk Construction Permit: Multiple Permit Discount

(SMC 3.250, 3.256, 3.300(1)) Before any sidewalk in a public right of way is started, a permit shall be obtained from the building official. At the time the permit is issued, the applicant shall pay a fee based on the average actual costs for permit administration and sidewalk inspection as set forth by resolution of the Council for the sidewalk, for either new construction or repair. These requirements do not apply, however, when such work is done under contract with the City or covered by a subdivision agreement with the City. The rates and charges herein provided are incurred costs based upon the use or availability for use of the public right-of-way, the availability of which is necessary for the regulation of, and provision for, the public health, safety and welfare. The charge is controlled by the user's (or potential user's) request and choice of the kind, nature and quantity of use.

Discount when applicant obtains up to three Curb Cut or Sidewalk Construction Permits in same location. \$47.00

7.5% ~~TechnologyAdministrative~~ Fee (~~surcharge~~) will be applied when imposed or collected.

Placement Permit for Standard Mailbox - No Sidewalk Construction

(SMC 3.226)

No fee

Placement Permit

(SMC 3.226 (2)) Prior to placing a structure or device in the right-of-way, the owner of such structure or device shall secure a placement permit, which permit shall also serve as an encroachment permit.

	\$404.00
Per re-Inspection	\$141.00
Plus an Asphalt Damage Deposit (SMC 3.214(2)(b))	\$1241.00

7.5% ~~TechnologyAdministrative~~ Fee (~~surcharge~~) will be applied when imposed or collected.

Public Right of Way Use Agreement

(SMC 3.226 (2)) Prior to placing a structure or device in the right-of-way, the owner of such structure or device shall secure a placement permit, which permit shall also serve as an encroachment permit.

Initial Permit	\$1403.00
----------------	-----------

7.5% ~~TechnologyAdministrative~~ Fee (~~surcharge~~) will be applied when imposed or collected.

Section 7: Engineering

Sidewalk Café Permit

(SMC 7.904) In the downtown district only, the City Manager, or the Manager's designee, may issue a revocable permit for an outdoor café allowing for the service of food and beverages at facilities placed on sidewalks within the public right-of-way abutting an existing eating establishment.

Initial Permit	\$210.00
Re-inspection fee	\$105.00

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Sidewalk Construction Permit

(SMC 3.300, 3.310(1)) Before any sidewalk in a public right-of-way is started, a permit shall be obtained from the building official. At the time the permit is issued, the applicant shall pay a fee based on the average actual costs for permit administration and sidewalk inspection as set forth by resolution of the Council for the sidewalk, for either new construction or repair.

For the first 90 feet of sidewalk	\$145.00
Per square foot after	\$0.25
Re-inspection fee	\$141.00
Sidewalk Repair Permit	\$26.00

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Sewer Connection Fee-Unassessed (Sewer In-Lieu-of-Assessment Fee)

(SMC 3.356(3)) Upon making an application as herein provided, such person shall pay to the City an amount based upon the City's established rate per square foot of benefited property. This rate is based on the average actual sewer construction costs per square foot of benefited property, as set by resolution of the Council. Any rate adjustment shall be determined by the previous year's sewer construction costs and projected inflation to the next construction season. The depth of the benefited property shall not exceed 150 feet from the street or 150 feet from the sanitary sewer line if the sewer line is not within the street right-of-way, except by special authorization by the Development and Public Works Director and based upon reasonable judgment, such as

- a. The location of the building in relation to the referenced 150 foot line;
- b. The possibility of future development for the building sites beyond the 150 foot depth.

Except as provided by (a) and (b) immediately preceding, a reduced charge will be charged for that area beyond the 150 foot line. The sum so paid may be deposited against any future sanitary sewer assessment which may be made against said property. In the event the sum paid exceeds the assessment any excess will be refunded to the property owner.

Per square foot for first 150 feet of depth	\$0.90
And per square foot thereafter	\$0..50

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected

Unassessed Property along McVay Highway, Franklin Boulevard to Nugget Way

(SMC 3.356(3)(c)) The City Council has determined that a special rate is appropriate for properties directly benefitted by the Franklin/McVay Sanitary Sewer Extension, City Project #21080, to provide a reasonable and just fee based upon the size and configuration of the benefitted properties.

Per square foot	\$0.25
-----------------	--------

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Section 7: Engineering

Sewer Construction Permit

(SMC 3.358(4)) An application for a permit to construct a sanitary sewer shall be accompanied by a fee set by resolution of the Council. If more than 50 percent of an existing sewer line is to be reconstructed, then it shall be classed as new construction.

No charge

Sewer Reconstruction Permit

(SMC 3.358(5)) An application for a permit to reconstruct any sanitary sewer shall be accompanied by a fee set by resolution of the Council. If less than 50 percent of an existing sewer line is to be reconstructed, then it shall be classed as repairs.

No charge

Temporary Storage Fee

(SMC 3.214(2)(b)) Fee for the temporary storage of articles in the public right-of-way during construction as provided for in section 5.052(2)(a), if applicable:

Per square foot with a \$345.00 minimum charge \$2.50

Plus and Asphalt Damage Deposit (SMC 3.214(2)(b)) \$1241.00

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

General Engineering Fees**Public Improvement Permit (PIP): Plan Approval and Deposits**

Schedule of deposits pertaining to PIP plan approval and permit

(SMC 3.018 (1)) From time to time the Council shall, on recommendation of the City Engineer, by resolution, adopt a schedule of deposit amounts that shall categorize projects and the required deposit. In determining the recommended amount of a deposit, the City Engineer shall consider the actual costs of performing review for approval and preliminary testing, and the costs of inspection, testing, and other services provided to projects of similar cost of construction in the immediately preceding fiscal year, adjusted by the change in the Construction Cost Index during the past twelve months.

(2) Such actual costs shall include the employee's base salary; other direct project expenses, such as copies, project documentation, the use of consultants, the cost of materials testing and an allowance for indirect costs based on percentages determined by the Finance Director. Deposits shall be in accordance with such schedule except where the City Engineer determines, in writing, that unusual circumstances associated with the project require a deposit of a greater or lesser amount.

City Plan Examination Deposit

Estimated Project Cost	\$0 to \$100,000	\$3,444.00
	-or-	
	\$100,001 and over	\$3,444.00 + 1% of Project over \$100,000.00

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

City Engineering and Inspection Deposit

Estimated Project Cost	\$0 to \$100,000	\$6898.00
	-or-	
	\$100,001 and over	\$6,300.00 + 1% of Project over \$100,000

Section 7: Engineering

Job Control Testing Fees and Deposits

Soil Bearing Tests	1/500 L.F. at	* each
Soil Densities	1/250 L.F. at	* each
Curb Rock Densities	1/150 L.F. at	* each
Base Rock Densities	1/150 L.F. at	* each
Concrete CLY. and Slump	1/100 C.Y. at	* each
A.C. Extractions per Class	1/500 TON at	* each
Asphaltic Concrete Densities (each lift)	1/150 L.F. at	* each
Asphaltic Job Mix Testing Fee	per project	*

* above indicates fee is paid for by the developer to a third-party testing company.

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Post-Monumentation Deposit for Subdivision

(ORS 92.065(1))	Base deposit	\$3223.00
	Plus monument (each)	\$138.00

This Deposit is refundable when the City Surveyor deems the Post Monumentation is completed. In the event that the Subdivision is not monumented within the conditions of post monumentation, the funds will be utilized by the City Surveyor to complete said monumentation per Statute. A non-refundable 7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Project Bid Books and Project Draft Plans

(ORS 192.324(4)) Oregon Revised Statutes authorize the public body to establish fees reasonably calculated to reimburse it for its actual costs in making such records available including costs for summarizing, compiling, or tailoring such records, either in organization or media, to meet the person's request.

Minimum, varies by project	\$37.00
----------------------------	---------

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Just Compensation due to Land Use Regulation

(ORS 195.310 & ORS 195.312) A person filing a claim under ORS 195.310 for just compensation due a City land use regulation must file the claim in the manner provided under ORS 195.312. The City may impose a fee for review of a claim filed under ORS 195.310 in an amount not to exceed the actual and reasonable cost of reviewing the claim.

Per Application	\$721.00
-----------------	----------

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Re-Appportionment Fee

(SMC 3.154) Apportionment or reapportionment shall only be made upon the written request of the record owner of the tract or parcel of property involved directed to the finance director. The request shall be accompanied by a survey map of the parcels to receive the assessment liens as reapportioned, together with a legal description thereof. Apportionment or reapportionment shall only be made upon the written request of the record owner of the tract or parcel of property involved directed to the finance director. The request shall be accompanied by a survey map of the parcels to receive the assessment liens as reapportioned, together with a legal description thereof.

Section 7: Engineering

First two lots \$38.00

Extra per lot \$16.00

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Other Engineering Fees**Asphaltic Job Mix Testing Fee**

Each Public Improvement Project using asphaltic paving \$555.00

7.5% TechnologyAdministrative Fee (~~surcharge~~) will be applied when imposed or collected.

Local Improvement District Assessment Service Fee

(SMC 3.072) An assessment service fee of 6.2 percent of the cost of direct construction, advertising, testing and engineering of local public improvement projects shall be added and included in the assessment made to each benefiting property owner in order to cover the origination, billing and collection cost on assessment.

Per Assessment 6.2% of Assessment

Reimbursement District Application Fee

(SMC 3.610 (1)) A person who is required to or chooses to finance some or all of the cost of an infrastructure improvement that will be available to provide service to property, other than property owned by the person, may, by written application filed with the Development and Public Works Director, request that the City establish a reimbursement district. The infrastructure improvements must be in addition to or in a size greater than those that would otherwise ordinarily be required in connection with the application for permit approval and must be available to provide service to property other than property owned by the applicant. Examples include, but shall not be limited to, intersections, full street rather than half-street improvements, traffic signals, off-site sidewalks, connection of street sections for continuity, extension of water lines, and extension of sewer lines. The City may also initiate formation of a reimbursement district. The application shall be accompanied by a fee, as established by resolution, sufficient to cover the cost of administrative review and notice pursuant to this section.

Per Benefitted Parcel \$638.00 Each

Reimbursement District Administration Fee

(SMC 3.165(2)) The City may charge a fee for administration of the agreement. The administration fee shall be fixed by the Council in the resolution approving and forming the reimbursement district. The administration fee is due and payable to the City at the time the agreement is signed (or, if specified as a percentage, shall be paid quarterly based upon the reimbursement fees paid during that quarter).

For Reimbursement Districts with 10 or fewer Benefitted Parcels

\$638.00 each

For Reimbursement Districts with more than 10 Benefitted Parcels

6.2% of the Reimbursement Fees
collected from a District each quarter

Traffic Engineering Fees**Traffic System Damage Fee**

These fees are meant to reimburse the City for damage caused to traffic sign posts and curbs from drivers.

Reinstall Single Post and Sign	\$630.00
--------------------------------	----------

Section 7: Engineering

Cost (per sign) for additional sign on a single post	\$127.00
Reinstall Double Post and Sign	\$1151.00
Cost (per sign) for additional sign on a double post	\$127.00
Reinstall Concrete Sign Base	\$616.00
Repaint, Overpaint Curb, per 25-ft section (or portion thereof)	\$239.00
Reinstall Cobra-Head Street Light Pole and Fixture (Wood or Fiberglass)	\$9574.00
Reinstall Cobra-Head Street Light Pole and Fixture (Aluminum or Steel)	Bill on Actuals
Reinstall Decorative Street Light Pole and Fixture	Bill on Actuals
Reinstall Pedestrian Pole (Flashing Beacon)	Bill on Actuals
Reinstall Pedestrian Pole (at Traffic Signal)	Bill on Actuals
Reinstall Electrical Service Cabinet	Bill on Actuals
Reinstall Traffic Signal Control Cabinet	Bill on Actuals
Other/Misc. not covered	Bill on Actuals

Portable Changeable Message Sign Fee

This fee compensates the City for use of its Portable Changeable Message Signs (PCMS) and covers the City's operating costs associated with deploying and operating PCMS units for events and other activities undertaken by outside agencies.

Deploy, Program, and Retrieve PCMS	\$1,918.50 per each location
Operate and Maintain PCMS	\$25.00 day
Operate and Maintain PCMS	\$94.50 week

Section 8: Planning Services

The following fees must be paid for the Planning activities of the City:

Development Code Application Fees:

Housing Diversity Tax Exemption (HDTE) Application Fee

This fee covers the City's staffing costs for processing applications for the Housing Diversity Tax

Exemption (HDTE), if adopted, including application review and decision, and certification to the Lane County Assessor. The Lane County Assessor will also collect a fee to cover its costs for processing approved applications and applying the tax exemption.

There are three different fees to account for the variation in staff time to process an HDTE application depending on how the applicant chooses to meet the program's public benefit requirement.

The Option 1 fee covers costs to process an application meeting clear and objective public benefit criteria.

The Option 2 fee covers costs to process an application where the applicant is paying a fee-in-lieu of including a public benefit in the project and is lower to account for the reduction in staff time.

The Option 3 fee covers costs for processing an application that includes public benefits not meeting clear and objective criteria which will go to City Council for review and decision. This application fee is the highest to account for the increased staff time to process the application and prepare materials for the Council.

Option 1 fee: \$1,950.00

Option 2 fee: \$1,150.00

Option 3 fee: \$4,000.00

Hearings Official Deposit

Any application being processed before the Hearings Official (except an appeal) must pay an additional deposit of \$5,823 for the cost of the Hearings Official. Any amount not expended by the Hearings Official will be returned to the applicant. Charges in excess of this deposit amount will be assessed to the applicant.

Fee Waivers

Fees may be waived only in accordance with the Springfield Development Code 2.1.135(C).

Expedited Processing Fee

Any request to prioritize and expedited the review of a particular application out of order in which applications are received, must be reviewed and will be approved or denied at the discretion of the Director. Any approved request will be charged a non-refundable fee of \$12,812.00 or 3 times the application fee, whichever is greater; where the development area is greater than 10 acres an additional fee of \$641 per acre will be charged.

Section 8: Planning Services

Administrative Fee

All applications will be assessed a 7.5% administrative fee with the exception of Application Completeness Check Meeting, Development Initiation Meeting, Pre-Application Meeting, Appeal of a Type 2 Director's Decision, Appeal of an Expedited Land Division, and certain other required fees including notice fee's and time extensions.

Copying Costs

Copying fee: Staff charge out rate, minimum ½ hour

First five (5) copies up to 11" x 17"	No Charge
All additional copies	\$1.00 each
Large print copies	\$5.00 each

All special ordered maps are charged from the GIS price sheet.

Development Code Application Fees (SDC 5.1.400-5.1.600)

Any applications being processed before the Hearings Official (except an appeal) must pay an additional deposit of \$5,823.00 for the cost of the Hearings Official. Any amount not expended by the Hearings Official must be returned to the applicant. Charges in excess of this additional fee will be assessed to the applicant.

Note: Fee Waivers: Fees may be waived in accordance with the Springfield Development Code 2.1.135(C).

General Notes

Expedited Processing Fee: Any request to prioritize and expedite the review of a particular application out of the order in which applications are received, must be reviewed by, and will be approved or denied at the discretion of the Director. Any approved request will be charged a non-refundable fee of \$12,812.00 or 3 times the application fee, whichever is greater; where the development area is greater than 10 acres an additional \$641.00 per acre will be charged.

Technology Fee: All applications will be assessed a 5% technology fee with the exception of Application Completeness Check Meeting, Development Initiation Meeting, Pre-Application Meeting, Appeal of Type 2 Director's Decision, Appeal of Expedited Land Division, and certain required fees (ex: Notice Fees).

Copying Costs

Copying Fee:	Staff Charge out rate ½ hour minimum
Plus:	First 5 copies up to 11" x 17" No charge
All additional copies	\$1.00 each
Large print copies	\$5.00 each

All special ordered maps are charged from the GIS price sheet.

<u>Application Type</u>	<u>Base Fee</u>	<u>Admin Fee</u> 7.5%	<u>Notice Fee</u>	<u>Total Fee</u>
ACCESSORY DWELLING UNIT (SDC 3.2.275)				
Accessory Dwelling Unit - Type 1	\$1,414.00	\$106.05	--	\$1,520.05
Accessory Dwelling Unit - Type 2	\$1,469.00	\$110.18	\$203.00	\$1,782.18
Amendment of Plan or Code Text - Type 4 (SDC 5.6.100)	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$11,000.00)
ANNEXATION (SDC 5.7.100)				

Section 8: Planning Services

<u>Annexation (includes special district withdraw our boundary adjustment.</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee + (Deposit = \$7,000.00)</u>
<u>+ Annexation Comp. Planning fee</u>	<u>\$1000/ac</u>	<u>7.5%</u>	<u>--</u>	<u>Prorated per acre Maximum of \$10,000.00</u>
<u>APPEALS (SDC 5.1.800)</u>				
<u>Appeal of Expedited Land Division</u>	<u>\$408.00</u>	<u>--</u>	<u>--</u>	<u>\$408.00</u>
<u>Appeal of Type 2 Director's decision (ORS 227.175)</u>	<u>\$250.00</u>	<u>--</u>	<u>--</u>	<u>\$250.00</u>
<u>Appeal of Type 3 Decision to City Council</u>	<u>ACS</u>	<u>--</u>	<u>--</u>	<u>ACS + Admin Fee (Deposit = \$4,500.00)</u>
<u>Completeness Check Meeting (SDC 5.1.210)</u>	<u>\$678.00</u>	<u>--</u>	<u>--</u>	<u>\$678.00</u>
<u>Comprehensive Plan Amendment - Type 4 (SDC 5.14.100)</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$30,000.00)</u>
<u>Conceptual Development Plan – Type 3 (SDC 3.4.315)</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$20,000.00)</u>
<u>Conceptual Development Plan Amendment – Type 3 (SDC 3.4.315)</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$8,000.00)</u>
<u>DECLARATORY RULING (SDC 5.1.1100)</u>				
<u>Declaratory Ruling - Type 1</u>	<u>\$2,216.00</u>	<u>\$166.20</u>	<u>--</u>	<u>\$2,382.20</u>
<u>Declaratory Ruling - Type 2</u>	<u>\$2,420.00</u>	<u>\$196.73</u>	<u>\$203.00</u>	<u>\$2,819.73</u>
<u>Declaratory Ruling - Type 3</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$7,000.00)</u>
<u>Determination of Non-Conforming Use Status - Type 2 or Type 3 (SDC 5.8.100)</u>	<u>\$1796.00</u>	<u>\$134.70</u>	<u>\$203.00</u>	<u>\$2,133.70</u>
<u>Development Initiation Meeting (SDC 5.1.210)</u>	<u>\$678.00</u>	<u>--</u>	<u>--</u>	<u>\$678.00</u>
<u>Discretionary Use - Type 3 (SDC 5.9.100) or (SDC 4.4.115(D))</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$6,000.00)</u>
<u>Drinking Water Protection Overlay - Type 1 (SDC 3.3.200)</u>	<u>\$1,325.00</u>	<u>\$99.38</u>	<u>--</u>	<u>\$1,424.38</u>
<u>Driveway/Parking (Residential) Review Fee (SDC4.2.120(C))</u>	<u>\$50.00</u>	<u>--</u>	<u>--</u>	<u>\$50.00</u> <u>New or expanded</u>
<u>Expedited Land Division - Type 2 (SDC 5.12.200)</u>	<u>The fee is twice the fee that is calculated for a regular land division. Plus, notice fee of \$203.00.</u>			
<u>Floodplain Development - Type 2 (SDC 3.3.400)</u>	<u>\$2,198.00</u>	<u>\$180.08</u>	<u>\$203.00</u>	<u>\$2,581.08</u>
<u>Hillside Overlay District - Type 2 (SDC 3.3.500)</u>	<u>\$1,190.00/ acre</u>	<u>7.5%</u>	<u>\$203.00</u>	<u>As calculated</u>
<u>HISTORIC OVERLAY DISTRICT (SDC 3.3.900)</u>				
<u>Historic - Type 1</u>	<u>\$2,056.00</u>	<u>\$154.20</u>	<u>--</u>	<u>\$2,210.20</u>
<u>Historic - Type 2</u>	<u>\$3,026.00</u>	<u>\$242.18</u>	<u>\$203.00</u>	<u>\$3,471.18</u>
<u>Historic - Type 3</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$5,000.00)</u>
<u>Hospital Support Overlay district - Type 2 (SDC 3.3.1100)</u>	<u>\$3,797.00 + \$797.00 per acre.</u>	<u>7.5%</u>	<u>\$203.00</u>	<u>As calculated</u>
<u>LAND USE COMPATIBILITY (SDC 3.1.120)</u>				

Section 8: Planning Services

<u>Land Use Compatibility Statement (LUCS) - Type 1 (ex. DMV sign off)</u>	<u>\$365.00</u>	<u>\$27.38</u>	<u>--</u>	<u>\$392.38</u>
<u>Zoning Verification - Type 1</u>	<u>\$975.00</u>	<u>\$73.13</u>	<u>--</u>	<u>\$1,048.13</u>
<u>Manufacture Dwelling Park - Type 2 (SDC 4.7.345)</u>	<u>\$2980.00</u>	<u>\$238.73</u>	<u>\$203.00</u>	<u>\$3,421.73</u>
MASTER PLAN (SDC 5.13.10.0)				
<u>Master Plan Approval - Preliminary - Type 2</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$20,000.00)</u>
<u>Master Plan Approval - Preliminary - Type 3</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$25,000.00)</u>
<u>Master Plan Approval-Final - Type 1</u>	<u>\$3,421.00</u>	<u>\$256.58</u>	<u>--</u>	<u>\$3,677.58</u>
<u>Master Plan Modification - Type 1</u>	<u>ACS</u>	<u>7.5%</u>	<u>--</u>	<u>ACS + Admin Fee (Deposit = \$4,000.00)</u>
<u>Master Plan Modification - Type 2</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$8,000.00)</u>
<u>Master Plan Modification - Type 3</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$14,000.00)</u>
MINIMUM DEVELOPMENT STANDARDS (MDS)				
<u>Minimum Development Standards - Type 1 (SDC 5.15.100)</u>	<u>\$2,541.00</u>	<u>\$190.58</u>	<u>--</u>	<u>\$2,731.58</u>
<u>Minimum Development Standards Small Cell Wireless Facility - Type 1 (SDC 4.3.145)</u>	<u>\$1,299.00</u>	<u>\$97.43</u>	<u>--</u>	<u>\$1,396.43</u>
MODIFICATION OF APPROVAL (SDC 5.1.1015)				
<u>Modification of Approval - Type 1</u>	<u>\$2,185.00</u>	<u>\$163.88</u>	<u>--</u>	<u>\$2,348.88</u>
<u>Modification of Approval - Type 2, non-significant</u>	<u>\$2,453.00</u>	<u>\$199.20</u>	<u>\$203.00</u>	<u>\$2,855.20</u>
<u>Modification of Approval - Type 2, significant impact</u>	<u>\$3,131.00</u>	<u>\$250.05</u>	<u>\$203.00</u>	<u>\$3,584.05</u>
NON-CONFORMING (SDC 5.8.100)				
<u>Non-conforming Use Status - Type 1</u>	<u>\$1,616.00</u>	<u>\$121.20</u>	<u>--</u>	<u>\$1,737.20</u>
<u>Non-conforming Use Expansion/Modification - Type 2 or Type 3</u>	<u>\$3,522.00</u>	<u>\$279.38</u>	<u>\$203.00</u>	<u>\$4,004.38</u>
NOTICE FEE (SDC 5.1.100 et. seq.)				
<u>Notice - Type 2</u>	<u>\$203.00</u>	<u>--</u>	<u>--</u>	<u>\$203.00</u>
<u>Notice - Type 3 and Type 4</u>	<u>ACS</u>	<u>--</u>	<u>--</u>	<u>ACS</u>
PARTITION (SDC 5.12.100) (see Plat Checking Fees below for final plat fees)				
<u>Partition Tentative Plan - Type 2</u>	<u>\$4,213.00</u>	<u>\$331.20</u>	<u>\$203.00</u>	<u>\$4,747.20 +</u>
<u>+ Partition – tent. per lot fee</u>	<u>\$25.00</u>	<u>7.5%</u>	<u>--</u>	<u>\$25.00/lot + Admin. fee</u>
PLANNING REVIEW OF BUILDING PERMITS				
<u>Minor</u>	<u>\$150.00</u>	<u>--</u>	<u>--</u>	<u>\$150.00</u>
<u>Major</u>	<u>\$268.00</u>	<u>--</u>	<u>--</u>	<u>\$268.00</u>
<u>Pre-Application Meeting (SDC 5.1.210)</u>	<u>\$4,620.00</u>	<u>--</u>	<u>--</u>	<u>\$4,620.00</u>
PROPERTY LINE ADJUSTMENT (SDC 5.16.100)				
<u>Property Line Adjustment - Type 1</u>	<u>\$3,498.00</u>	<u>\$262.35</u>	<u>--</u>	<u>\$3,760.35</u>
<u>Property Line Adjustment - Serial - Type 2</u>	<u>\$4,903.00</u>	<u>\$367.73</u>	<u>\$203.00</u>	<u>\$5,473.73</u>
RECONSIDERATION (SDC 5.1.700)				
<u>Reconsideration - Type 1</u>	<u>\$250.00</u>	<u>\$18.75</u>	<u>--</u>	<u>\$269.75</u>
<u>Reconsideration - Type 2</u>	<u>\$250.00</u>	<u>\$18.75</u>	<u>\$203.00</u>	<u>\$471.75</u>

Section 8: Planning Services

<u>Reconsideration - Type 3</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee</u> (Deposit = \$2,500.00)
REPLATS (SDC 5.12.100) (see Plat Checking Fees below for final plat fees)				
<u>Replat Tentative Plan - Minor - Type 1</u>	<u>\$4,135.00</u>	<u>\$310.13</u>	<u>--</u>	<u>\$4,445.13</u>
<u>Replat Tentative Plan - Major - Type 2</u>	<u>\$4,355.00</u>	<u>\$326.63</u>	<u>\$203.00</u>	<u>\$4,884.63</u>
<u>Refinement Plan Amendment</u>	<u>ACS</u>	<u>7.5%</u>	<u>\$203.00</u>	<u>ACS + Admin Fee</u> (Deposit = \$14,500.00)
SITE PLAN (SDC 5.17.100)				
<u>Site Plan Review - Type 1</u>	<u>\$1,616.00</u>	<u>\$121.20</u>	<u>--</u>	<u>\$1,737.20</u>
<u>Site Plan Review - Less than 500 sq. ft. - Type 2</u>	<u>\$1,616.00</u>	<u>\$121.20</u>	<u>\$203.00</u>	<u>\$1,940.20</u>
<u>Site Plan Review - Type 2</u>	<u>\$4,056.00</u>	<u>\$304.20</u>	<u>\$203.00</u>	<u>\$4,563.20</u>
<u>Final Site Plan Review</u>	<u>\$1,306.00</u>	<u>\$97.95</u>	<u>\$203.00</u>	<u>\$1,606.95</u>
<u>Final Site Plan Inspection - Type 1 (for occupancy, change of use, etc.)</u>	<u>\$365.00</u>	<u>\$27.38</u>	<u>--</u>	<u>\$392.38</u>
<u>Solar Access Protection - Type 2 (SDC 5.18.100)</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee</u> (Deposit = \$3,000.00)
<u>Street Name Change (Municipal Code 3.248)</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee</u> (Deposit = \$6,500.00)
SUBDIVISION (SDC 5.12.100) (see Plat Checking Fees below for final plat fees)				
<u>Subdivision Tentative Plan - Type 2</u>	<u>\$4,387.00</u>	<u>\$329.03</u>	<u>\$203.00</u>	<u>\$4,919.03 +</u>
<u>+ Subdivision-tent per lot fee</u>	<u>\$25.00</u>	<u>7.5%</u>	<u>--</u>	<u>\$25.00/lot + Admin. fee</u>
TEMPORARY USE				
<u>Temporary Use - Manufactured Dwelling After Disaster - Type 1 (SDC 4.8.105)</u>	<u>\$515.00</u>	<u>\$38.63</u>	<u>\$203.00</u>	<u>\$553.63</u>
<u>Temporary Use - Hardship Dwelling - Type 2 (SDC 5.10.100)</u>	<u>\$1,815.00</u>	<u>\$136.13</u>	<u>\$203.00</u>	<u>\$1,951.13</u>
<u>Time Extension (SDC 5.1.1000(C))</u>	<u>\$500</u>	<u>--</u>	<u>--</u>	<u>\$500.00</u>
TREE FELLING (SDC 5.19.100)				
<u>Minor Tree Felling - Type 2 6-10 trees</u>	<u>\$1,563.00</u>	<u>\$117.23</u>	<u>\$203.00</u>	<u>\$1,883.23</u>
<u>Major Tree Felling - Type 2 More than 10 trees</u>	<u>\$2,208.00</u>	<u>\$165.60</u>	<u>\$203.00</u>	<u>\$2,576.60</u>
<u>Filbert Orchards or other habitat restoration projects</u>	<u>\$1,563.00</u>	<u>\$117.23</u>	<u>\$203.00</u>	<u>\$1,883.23</u>
<u>Corrective Tree Felling + 232/tree</u>	<u>\$1,563.00</u>	<u>7.5%</u>	<u>\$203.00</u>	<u>As calculated</u>
VACATION (SDC 5.20.100)				
<u>Vacation-Easement - Type 2</u>	<u>\$2,600.00</u>	<u>\$195.00</u>	<u>\$203.00</u>	<u>\$2,998.00</u>
<u>Vacation-Right of Way/Plat - Type 4</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee</u> (Deposit = \$7,000.00)
VARIANCE (SDC 5.21.100)				
<u>Variance - Minor - Type 2</u>	<u>\$2,792.00</u>	<u>\$209.40</u>	<u>\$203.00</u>	<u>\$3,204.40</u>
<u>Variance - Major - Type 3</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee</u> (Deposit = \$9,000.00)
WILLAMETTE GREENWAY (SDC 3.3.300)				
<u>Greenway Setback established w/o development - Type 3</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee</u> (Deposit = \$4,500.00)

Section 8: Planning Services

<u>Greenway Setback Line already established - Type 3</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$4,500.00)</u>
<u>Greenway Setback Line not already established - Type 3</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$12,000.00)</u>
<u>Zoning Map Amendment - Type 3 or Type 4 (SDC 5.22.100)</u>	<u>ACS</u>	<u>7.5%</u>	<u>ACS</u>	<u>ACS + Admin Fee (Deposit = \$7,500.00)</u>

Plat Checking Fees (SDC 5.12.135 et. seq.)

<u>Application Type</u>	<u>Survey Fee</u>	<u>Planning Fee</u>	<u>Admin Fee 7.5%</u>	<u>Total Fee</u>
<u>Partition Plat</u>	<u>\$2,175.00</u>	<u>\$1,811.00</u>	<u>\$298.95</u>	<u>\$4,284.95</u>
<u>Subdivision Final Plat</u>	<u>\$2,175.00</u>	<u>\$1,811.00</u>	<u>\$298.95</u>	<u>\$4,284.95 +</u>
<u>+ Subdivision per lot</u>	<u>\$10.00</u>	<u>--</u>	<u>7.5%</u>	<u>\$10.00 per lot + Admin. fee</u>
<u>Minor Replat Final Plat</u>	<u>\$2,175.00</u>	<u>\$1,811.00</u>	<u>\$298.95</u>	<u>\$4,284.95</u>
<u>Major Replat Final Plat</u>	<u>\$2,175.00</u>	<u>\$1,811.00</u>	<u>\$298.95</u>	<u>\$4,284.95</u>
<u>Additional Review</u>	<u>\$100.00</u>	<u>--</u>	<u>7.5%</u>	<u>\$107.50</u>

The final plat fee for subdivisions, partitions, and replats includes the first two plat check reviews. Each additional review of the same plat is charged the additional review fee.

General Applications**Accessory Dwelling Unit (SDC 5.5.100)**

<u>Type 1</u>	<u>City</u>	<u>\$945.00</u>
	<u>Urban Growth Boundary (UGB)</u>	<u>\$1,040.00</u>
<u>5% Technology Fee (surcharge) will be applied when imposed or collected.</u>		

<u>Type 2</u>	<u>City</u>	<u>\$945.00</u>
	<u>Plus: Notice Fee</u>	
	<u>UGB</u>	<u>\$1,040.00</u>
	<u>Plus: Notice Fee</u>	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Amendment of Development Code Text (SDC 5.6.100)

Individual notice of legislative amendments under ORS 227.186-9 (Ballot Measure 56) staff time for mailing, plus materials and postage.

<u>Notice Fee</u>	<u>Staff Time</u>	<u>\$92.00</u>
	<u>Plus: Materials and Postage</u>	
<u>Type 4</u>	<u>City</u>	<u>\$9,629.00</u>
	<u>UGB</u>	<u>\$14,527.00</u>
	<u>Plus: Notice Fee</u>	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Annexation (SDC 5.7.100)

Annexation to the City of Springfield, UGB Only

<u>Type 4</u>	<u>Single unit dwelling, detached on R-1 property of less than 10,000 square feet</u>	<u>\$1,275.00</u>
	<u><1 acre</u>	<u>\$2,787.00</u>
	<u>1 acre > 5 acres</u>	<u>\$3,563.00</u>
	<u>5 acres > 10 acres</u>	<u>\$4,754.00</u>
	<u>10 acres > 25 acres</u>	<u>\$6,000.00</u>

Section 8: Planning Services

25 acres > 50 acres	\$7,447.00
50 acres > 100 acres	\$8,572.00
100 acres or more	\$11,815.00
Plus: Notice Fee	
Annexation Special District Boundary Adjustments/Withdrawals	
	10% of the paid annexation fee (exclusive of notice fee)

UGB Only	Comprehensive Planning Fee per acre	Suspended
	Concurrent Special District Boundary Adjustments and/or Withdrawals, including but not limited to: Park and Recreation Districts; Water Districts; Fire Districts; Library Districts, etc.	
		10% of applicable annexation fee (regardless of the number of Districts)

5% Technology Fee (surcharge) will be applied when imposed or collected.

Appeals (SDC 5.1.800)

Type 2*	Appeal of Type 2 Directors Decision (ORS 227.175)	\$250.00
Type 3	Appeal of Expedited Land Division	\$408.00
Type 4	Appeal of Type III Decision to City Council	
	City	\$3,017.00
	UGB	\$4,554.00

*This fee is established by ORS 227.175. Council acknowledges Neighborhood Associations shall be charged a fee for an appeal.

Note for all local appeals: If an appellant prevails at the hearing or subsequent hearing, the filing fee for the initial fee shall be refunded. This applies to local appeals only. The appellant prevails if the hearings body sustains one or more of the applicant's allegations and amends, remands, or reverses the land use decision.

Application Completeness Check Meeting (SDC 5.1.210(3))

Type 1	City	\$449.00
	UGB	\$676.00

Conceptual Development Plan (SDC 3.4.315)

Type 3	City	\$17,782.00
	UGB	\$26,823.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Conceptual Development Plan Amendments (SDC 3.4.315)

Type 3	City	\$6,888.00
	UGB	\$10,392.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Declaratory Ruling (SDC 5.1.1100)

Type 1	City	\$945.00
	UGB	\$1,040.00
Type 2	City	\$2,302.00

Section 8: Planning Services

	UGB	\$2,990.00
	Plus: Notice Fee	
Type 3	City	\$6,166.00
	UGB	\$9,302.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Determination of Non-Conforming Use Status (SDC 5.8.100)

Type 1	City	\$139.00
	UGB	\$209.00

5% Technology Fee (surcharge) will be applied when imposed or collected.

Development Initiation Meeting (SDC 5.1.210)

Type 1	City & UGB	\$678.00
--------	------------	----------

Discretionary Use (SDC 5.9.100)

Type 3	City	\$4,978.00
	UGB	\$7,509.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Drinking Water Protection Overlay District (SDC 3.3.200)

Type 1	City & UGB	\$1,325.00
--------	------------	------------

5% Technology Fee (surcharge) will be applied when imposed or collected.

Expedited Land Division (SDC 5.12.200)

The fee for an Expedited Land Division is twice the fee calculated for a regular land division. A separate notice fee is required for an Expedited Land Division.

Appeal of Expedited Land Division (SDC 5.12.240)

Appeals of an expedited land division decision must be accompanied by the deposit required in ORS 197.375. If the appellant prevails in the appeal, the appeal deposit for an Expedited Land Division will be refunded. If the City prevails in the appeal, the Hearings Official may order appellant to pay costs of the appeal in excess of the original deposit.

Final Site Plan Inspection: (ex. for Occupancy, Change of Use, etc.)

Type 1	City & UGB	\$365.00
--------	------------	----------

5% Technology Fee (surcharge) will be applied when imposed or collected.

Floodplain Development Base Fee (SDC 3.3.400)*

Type 1	Floodplain Base Fees	
	City	\$1,437.00
	UGB	\$2,169.00
	Plus:	

	Subdivision	\$259.00 per lot
--	-------------	------------------

	Partitions and site plans	\$520.00 per acre
--	---------------------------	-------------------

	For all development areas >5 acres	\$17,750.00 deposit is required**
--	------------------------------------	-----------------------------------

5% Technology Fee (surcharge) will be applied when imposed or collected.

Section 8: Planning Services

~~*A Floodplain permit processed after land use activity is conducted without required City approvals will be charged an additional fee of \$612.00 per acre in addition to the regular application fee.~~

~~**The >5-acre deposit will be refunded upon completion, inspection, and final approval of work under the flood plain permit and associated applications.~~

Hillside Overlay District (HD) (SDC 3.3.500)

Type 2	City & UGB	\$1,190.00/acre
	Plus: Notice Fee	

~~5% Technology Fee (surcharge) will be applied when imposed or collected.~~

Historic (SDC 3.3.900)

Type 1	Historic Commission Review - Type 1	
	City	\$77.00
	UGB	\$203.00
Type 2	Historic Commission Review - Type 2	
	City	\$229.00
	UGB	\$608.00
	Plus: Notice Fee	
Type 3	Demolition of Historic Landmark	
	City	\$4,515.00
	UGB	\$6,812.00
	Establishment of Historic Landmark Inventory	
	City & UGB	\$2,498.00
	Plus: Notice Fee	

~~5% Technology Fee (surcharge) will be applied when imposed or collected.~~

Hospital Support Overlay District (HS) (SDC 3.3.1100)

Type 2	City Only	\$3,797.00
	Plus	\$760.00/acre
	Plus: Notice Fee	

~~5% Technology Fee (surcharge) will be applied when imposed or collected.~~

Land Use Compatibility Statement (LUCS)/Zoning Verification Letter (SDC 3.1.100)

Type 1	City	\$365.00
	UGB	\$395.00

~~5% Technology Fee (surcharge) will be applied when imposed or collected.~~

Manufactured Dwelling Park (SDC 4.7.345)

Type 2	City	\$12,831.00
	UGB	\$19,354.00
	Plus: Notice Fee	

~~5% Technology Fee (surcharge) will be applied when imposed or collected.~~

Master Plan (SDC 5.13.100)**Master Plan Approval Preliminary**

Section 8: Planning Services

Type 2	City	\$17,782.00
	Plus	\$823.00/acre
	UGB	\$26,823.00
	Plus	\$823.00/acre
	Plus: Notice Fee	

Type 3	City	\$24,465.00
	Plus	\$823.00/acre
	UGB	\$36,830.00
	Plus	\$823.00/acre
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Final Master Plan Approval

Final Master Plan Approval fee is 10% of the paid master plan approval fee
(exclusive of postage)

5% Technology Fee (surcharge) will be applied when imposed or collected

Master Plan Modification

Type 1	City	\$3,421.00
	UGB	\$5,129.00
Type 2	City	\$6,888.00
	UGB	\$10,392.00
	Plus: Notice Fee	
Type 3	City	\$12,578.00
	UGB	\$18,389.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Metro Plan Amendment (SDC 5.14.100) – Type 4 Procedure

Acre fee for diagram amendment

Type I amendment classification, (SDC 5.14.115(A)) (City jurisdiction only)		
	City	\$28,288.00
	Plus	\$823.00/acre
	UGB	\$42,672.00
	Plus	\$823.00/acre
	Plus: Notice Fee	
Type II amendment classification, (SDC 5.14.115(B)) (City & County jurisdiction)		
	City	\$13,719.00
	Plus	\$823.00/acre
	UGB	\$17,595.00
	Plus	\$823.00/acre
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Minimum Development Standards (MDS) (SDC 5.15.100)

Type 1	City Only	\$1,299.00
--------	-----------	------------

5% Technology Fee (surcharge) will be applied when imposed or collected.

Section 8: Planning Services

Modification of Approval Type 1 (5.1.1015(C))

Type 1	City	\$1,613.00
	UGB	\$2,435.00

5% Technology Fee (surcharge) will be applied when imposed or collected.

Modification of Approval Type 2 (5.1.1015(B))

Type 2 (non-significant impacts)	City & UGB	\$3,421.00
Type 2 (significant impacts)	City & UGB	\$5,298.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Non-Conforming Use Expansion/Modification (SDC 5.8.100)

Type 2	City	\$4,978.00
	UGB	\$7,509.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Notice (SDC 5.1.100 et. seq.)

Type 2	\$203.00
Type 3	\$489.00
Type 4	\$691.00

Partitions (SDC 5.12.100)**Partition Tentative Plan**

Type 2	City	\$6,335.00
	UGB	\$11,592.00
	Plus: Notice Fee	

Partition Plat

A reconfiguration of lots or parcels or a decrease in the number of lots or parcels in a platted subdivision or partition will be charged the tentative replat/replat plat fee for either subdivision or partition as appropriate. An increase in the number of lots in a platted subdivision or number of parcels in a platted partition will be charged either the subdivision tentative/ subdivision plat or partition tentative plan/partition plat.

Type 1	City & UGB	\$3,481.00
--------	------------	------------

5% Technology Fee (surcharge) will be applied when imposed or collected.

Planning Review of Building Permit Plans (SDC 2.1.115)

Type 1	Minor	City	\$150.00
		UGB	\$364.00
Type 1	Major	City	\$268.00
		UGB	\$364.00

Minor — Used for additions, remodels, and accessory buildings.

Major — Use for new construction; inc. new dwelling(s), per dwelling.

Pre-Application Meeting (SDC 5.1.200)

Type 1	City & UGB	\$4,620.00
--------	------------	------------

Section 8: Planning Services

Property Line Adjustment (SDC 5.16.100)

Type 1	City	\$811.00
	UGB	\$1,221.00

5% Technology Fee (surcharge) will be applied when imposed or collected.

Property Line Adjustment Serial

Type 2	City	\$1,618.00
	UGB	\$2,441.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Reconsideration (SDC 5.1.700)

Type 1		\$250.00
Type 2		\$250.00
	Plus: Notice Fee	
Type 3		\$2,500.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Replat (SDC 5.12.100)

Note: Application Completeness Check Meeting Tentative, and Application Completeness Check Meeting Plat are required prior to submittal of Major Replat Tentative Plan and Major Replat Plat applications.

Minor Replat Tentative Plan

Type 2	City	\$4,055.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Minor Replat Plat

Type 1	City	\$2,384.00
--------	------	------------

5% Technology Fee (surcharge) will be applied when imposed or collected.

Major Replat Tentative Plan

Type 2	City	\$6,588.00
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Major Replat Plat

Type 1	City	\$2,384.00
--------	------	------------

5% Technology Fee (surcharge) will be applied when imposed or collected.

Refinement Plan Amendment (SDC 5.6.100)

Acre fee for diagram amendment

Type 4	City	\$13,719.00
	Plus	\$823.00/acre
	UGB	\$21,107.00
	Plus	\$823.00/acre
	Plus: Notice Fee	

5% Technology Fee (surcharge) will be applied when imposed or collected.

Section 8: Planning Services

Site Plan Review (SDC 5.17.100)**Site Plan Review**

_____ Type 1 _____	Multi-unit development _____	\$1,616.00
--------------------	------------------------------	------------

5% Technology Fee (surcharge) will be applied when imposed or collected.

_____ Type 2 _____		
--------------------	--	--

_____	500 or less sq. ft. of new, removed, or net change of impervious surface; and no Traffic Impact Study required; and no change of driveways, access, or circulation.	
-------	---	--

_____	City only _____	\$1,616.00
-------	-----------------	------------

_____	>500 and <10,000 sq. ft. of new impervious surface	
-------	--	--

_____	City & UGB _____	\$5,489.00
-------	------------------	------------

_____	10,000 sq. ft. or greater of new impervious surface	
-------	---	--

_____	City & UGB _____	\$5,489.00
-------	------------------	------------

_____	Plus _____	\$65.00/1,000 sq. ft.
-------	------------	-----------------------

_____	Plus: Notice Fee	
-------	------------------	--

5% Technology Fee (surcharge) will be applied when imposed or collected.

Final Site Plan Equivalent

_____ Type 1 _____	City & UGB _____	\$4,891.00
--------------------	------------------	------------

5% Technology Fee (surcharge) will be applied when imposed or collected.

Final Site Plan Review (SDC 5.17.100)

_____ Type 1 _____	Final site plan fee is 10% of the paid site plan fee	
--------------------	--	--

5% Technology Fee (surcharge) will be applied when imposed or collected.

Solar Access Protection (SDC 5.18.100)

_____ Type 2 _____	City _____	\$1,015.00
--------------------	------------	------------

_____	UGB _____	\$1,232.00
-------	-----------	------------

_____	Plus: Notice Fee	
-------	------------------	--

5% Technology Fee (surcharge) will be applied when imposed or collected.

Street Name Change _____	City Only _____	\$6,166.00
---------------------------------	-----------------	------------

5% Technology Fee (surcharge) will be applied when imposed or collected.

Subdivisions (SDC 5.12.100)**Subdivision R-1 Tentative Plan** **Developable acres**

_____ Type 2 _____	<2 acres _____	\$7,176.00
--------------------	----------------	------------

_____	Plus _____	\$309.00/lot
-------	------------	--------------

_____	2 acres to 5 acres _____	\$10,156.00
-------	--------------------------	-------------

_____	Plus _____	\$508.00/lot
-------	------------	--------------

_____	5 acres to 10 acres _____	\$13,434.00
-------	---------------------------	-------------

_____	Plus _____	\$776.00/lot
-------	------------	--------------

_____	10 acres to 20 acres _____	\$14,173.00
-------	----------------------------	-------------

_____	Plus _____	\$807.00/lot
-------	------------	--------------

_____	Greater than 20 acres _____	\$14,911.00
-------	-----------------------------	-------------

_____	Plus _____	\$895.00/lot
-------	------------	--------------

Section 8: Planning Services

Plus: Notice Fee	
5% Technology Fee (surcharge) will be applied when imposed or collected.	
Subdivision R-1 Plat	
Type 1	\$992.00
Plus	\$618.00/lot
5% Technology Fee (surcharge) will be applied when imposed or collected.	
Subdivision Non-R-1 Tentative Plan	
Type 2	\$12,668.00
Plus	\$760.00/acre
Plus: Notice Fee	
5% Technology Fee (surcharge) will be applied when imposed or collected.	
Subdivision Non-R-1 Plat	
Type 1	\$5,078.00
Plus	\$825.00/acre
5% Technology Fee (surcharge) will be applied when imposed or collected.	
Temporary Use (SDC 5.10.100)	
Type 2	Emergency Medical Hardship
	City & UGB \$360.00
Plus: Notice Fee	
Type 1	Manufactured Dwelling After a Disaster
	City & UGB \$483.00
5% Technology Fee (surcharge) will be applied when imposed or collected.	
Time Extension for Certain Improvements (SDC 5.1.1000(C))	
Type 1	City \$418.00
	UGB \$1,358.00
Tree Felling Permit (SDC 5.19.100)	
Any Tree Felling permit processed after land use activity is conducted without required City approvals will be charged an additional fee of \$232.00 per tree in addition to the regular application fee.	
Type 2	City & UGB
	Base Fee \$1,281.00
	Less than five (5) trees No charge
	6-10 Trees Base Fee Plus \$65.00/tree
	>10 Trees Base Fee Plus \$650.00/acre
	Habitat restoration projects Base Fee Only
	and filbert orchard restoration
Plus: Notice Fee	
5% Technology Fee (surcharge) will be applied when imposed or collected.	
Vacation (SDC 5.20.100)	
Public Easement	
Type 2	City \$1,613.00
	UGB \$2,435.00

Section 8: Planning Services

Plus: Notice Fee		
5% Technology Fee (surcharge) will be applied when imposed or collected.		
ROW, Subdivision Plat, or other public property		
Type 4	City	\$6,166.00
	UGB	\$9,302.00
Plus: Notice Fee		
5% Technology Fee (surcharge) will be applied when imposed or collected.		
Variance (SDC 5.21.100)		
Type 2	Minor Variance (up to 30%)	
	City & UGB	\$3,164.00
Plus: Notice Fee		
Type 3	Major Variance	
	City	\$8,256.00
	UGB	\$12,455.00
Plus: Notice Fee		
5% Technology Fee (surcharge) will be applied when imposed or collected.		
Willamette Greenway (SDC 3.3.300)		
Type 3	Greenway Setback Line Establishment without Development	
	City/UGB	\$3,766.00
Plus: Notice Fee		
Type 3	Greenway Setback Line already established	
	City	\$3,766.00
	UGB	\$7,951.00
Plus: Notice Fee		
Type 3	Greenway Setback Line <u>not</u> already established	
	City	\$7,506.00
	Plus	\$760.00/acre
	UGB	\$10,736.00
	Plus	\$760.00/acre
Plus: Notice Fee		
5% Technology Fee (surcharge) will be applied when imposed or collected.		
Zoning Map Amendment (SDC 5.22.100)		
The Development will process citizens-initiated zoning map amendments, for properties where the zoning and plan designation are in conflict, three times a year beginning in January. There will be no application fee for applicants who choose to utilize this program, however a Type 3 notification fee will be required for each application.		
Type 3	City	\$6,832.00
	UGB	\$13,205.00
Plus: Notice Fee		

For a copy of the City Council Ordinances please contact the Current Development Division at (541)726-3753.

Springfield Planning Application Fees



Springfield City
Council

December 2, 2024

Past Presentations



Presented PSU planning fee study June 20, 2023



Presented to Council on May 28, 2024



Presented on September 9, 2024 on Comp Planning Fee



Last work session on November 4, 2024

Direction given by Council



Council gave direction to include all development cost (engineering, etc.) to have 100% cost recovery.



Include the cost of engineering, transportation, survey, administrative staff time, customer service staff time and other applicable work groups time in one fee for processing development applications.



Consider the time estimated for completing tasks is often underestimated. Compare estimated times to actual time to complete processing tasks.



Evaluate the need for increased fees for processing applications in the UGB (Urban Growth Boundary), that are outside of the city limits, due to coordination requirements with the County in the fees for those application types.



Simplify the fee schedule so that it is not complex.



Look for alternative ways to fund Comp Planning.

What is not included in this study



Building Permit Fees



System Development Charges (SDCs)



Land and Drainage Alteration Permit (LDAP) fees

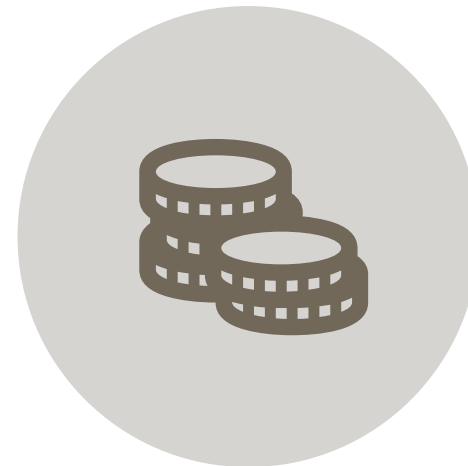


Public Improvement Project (PIP) cost/fees

State law requirements for fees



**AVERAGE COST OF
SERVICE**



**ACTUAL COST OF
SERVICE**

Simplified Fee Schedule



Planning Services Fees

As of January 3, 2025

City of Springfield Planning and Development
225 Fifth Street, Springfield, Oregon, 97477

541-726-3753
www.springfield-or.gov

ACS – Actual Cost of Service

Application Type	Base Fee	Admin Fee 7.5%	Notice Fee	Total Fee
ACCESSORY DWELLING UNIT (SDC 3.2.275)				
Accessory Dwelling Unit - Type 1	\$1,414.00	\$106.05	--	\$1,520.05
Accessory Dwelling Unit - Type 2	\$1,469.00	\$110.18	\$203.00	\$1,782.18
Amendment of Plan or Code Text - Type 4 (SDC 5.6.100)	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$11,000.00)
ANNEXATION (SDC 5.7.100)				
Annexation (includes special district withdraw our boundary adjustment.	ACS	7.5%	ACS	ACS + Admin Fee + (Deposit = \$7,000.00)
+ Annexation Comp. Planning fee	\$1000/ac	7.5%	--	Prorated per acre Maximum of \$10,000.00
APPEALS (SDC 5.1.800)				
Appeal of Expedited Land Division	\$408.00	--	--	\$408.00
Appeal of Type 2 Director's decision (ORS 227.175)	\$250.00	--	--	\$250.00
Appeal of Type 3 Decision to City Council	ACS	--	--	ACS + Admin Fee (Deposit = \$4,500.00)
Completeness Check Meeting (SDC 5.1.210)	\$678.00	--	--	\$678.00
Comprehensive Plan Amendment - Type 4 (SDC 5.14.100)	ACS	7.5%	ACS	ACS + Admin Fee (Deposit = \$30,000.00)

Comprehensive Planning Fee

The historic level of funding for Comprehensive Planning from Annexation fees has been an average of around 5%*.

Percent of Average Comprehensive Planning Program General Fund Budget	Revenue
1%	\$2,650
2.5%	\$6,630
5%	\$13,263
7.5%	\$19,894
10%	\$26,525
15%	\$39,788

Based on feedback from Council the proposed flat fee of \$1,000 per acre for annexation applications with a maximum of \$10,000, combined with a small percentage of the Admin fee to help fund Comprehensive Planning.

* For the last 4 full years that the fee was collected, FY 2019-2022, the average was 5.1%

Comprehensive Planning Program Budget by Year

FY	Actual total cost of program	Amount of total program cost covered by General Fund	Amount of annexation comprehensive planning fee	Percent of GF Budget	
2024	\$ 539,809*	\$ 192,291*	Suspended		
2023	\$ 616,391*	\$ 319,337*	\$ 880*	.3%*	
2022	\$ 484,119	\$ 287,214	\$ 14,922	5.2%	
2021	\$ 379,282	\$ 267,636	\$ 9,439	3.5%	
2020	\$ 439,281	\$ 236,935	\$ 18,040	7.6%	
2019	\$ 386,265	\$ 269,225	\$ 11,231	4.1%	
TOTAL	\$1,688,947	\$1,061,010	\$53,632		
	\$422,237	\$265,252	\$13,408	5.1%	AVERAGES

*Not included in totals or averages due to partial year amounts

Tech fee vs. Admin fee

Proposed to eliminate the existing 5% Tech fee.



Proposed to put in place a 7.5% Admin fee to cover:

Front counter
administrative
staff

Comprehensive
Planning

Technology
Improvements

Code
Enforcement
support staff

RECOMMENDATION

Conduct public hearing. Decide to adopt or not adopt the proposed resolution for new planning fees.

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	12/02/2024
	Meeting Type:	Regular Meeting
	Staff Contact/Dept:	Candace Steffen/City Attorney's Office
	Staff Phone No:	
	Estimated Time:	10 Minutes
	Council Goals:	Financially Responsible and Stable Government Services

ITEM TITLE:

Council Appointed Employee Compensation (2024)

ACTION REQUESTED:

Discuss City Manager compensation and ratify a wage increase.

ISSUE STATEMENT:

Nancy Newton's employment contract requires HR to meet with City Council with the intent of submitting a recommendation regarding a salary or cost of living adjustment.

DISCUSSION/FINANCIAL IMPACT:

According to Mrs. Newton's contract, City Council shall give consideration to a wage adjustment on an annual basis. To assist Council in that consideration, included is as an attachment is the average of four indexes to determine what amount, if any, of a cost-of-living adjustment to recommend to City Council (ATT1). The overall average of these indices is 3.70%.

Though not required by contract, HR also reviewed the compensation of City Managers in similarly sized Oregon cities (ATT2). This data gives us a benchmark to measure the market competitiveness of Mrs. Newton's wage. According to the larger sample salary survey data, Mrs. Newton's total compensation package is currently 11.9% below the market median.

Considering the index information and the comparable market data, Council should consider, but is not limited to, the following possible options regarding an adjustment to the City Manager's compensation.

1. A wage increase based on the average annual index of 3.70% retroactively applied to the 7/1/24 pay period with a FY25 budget impact of \$8,892.
2. A wage increase that includes an adjustment for the average annual index (3.7%) and an additional market adjustment of 8.2% to stay market competitive, retroactively applied to the 7/1/24 pay period with a FY25 budget impact of \$28,596.68.
3. A wage increase based on the average annual index of 3.7%, retroactively applied to 7/1/24 and an additional market adjustment of 8.2% applied to 1/1/25 with a FY25 budget impact of \$19,109.

Attachments

1. Salary_Indexes
2. CM_Comp_Survey_2024

Base Salary Increases	2024 Actual
Social Security Cost of Living Adjustment (2023)	3.20%
National Index, All Employees	3.90%
National Index, Officers/Executives	3.80%
CPI-W, Pacific Division	3.90%
Average	3.70%

City Manager Compensation Study - September 2024

Agency	Population	Monthly Base Wage	Deferred Comp	Retirement/ PERS PICKUP	VEBA	Car Stipend	Cell Phone Stipend	Adj. Base Wage	Ranking	% Gap
*Eugene	178,259	\$23,863	\$1,250	\$1,432	\$0	\$498	\$65	\$27,108	0	31.8%
Beaverton	99,464	\$23,583	\$0	\$1,415	\$707	\$500	\$0	\$26,205	1	27.5%
Tigard	55,539	\$20,247	\$810	\$2,227	\$83	\$500	\$360	\$24,227	2	17.8%
Corvallis	59,434	\$19,433	\$2,332	\$1,166	\$267	\$0	\$75	\$23,273	3	13.2%
Bend	102,834	\$20,430	\$431	\$1,226	\$333	\$500	\$80	\$23,000	4	11.9%
Medford	88,357	\$19,425	\$583	\$1,166	\$500	\$500	\$0	\$22,173	5	7.8%
Springfield	62,189	\$18,205	\$728	\$1,092	\$200	\$290	\$45	\$20,561	6	
Albany	57,322	\$17,045	\$1,705	\$1,023	\$167	\$0	\$80	\$20,019	7	-2.6%
*Not Included in Median Calculation										
Median		\$19,433	\$728	\$1,166	\$267	\$500	\$75	\$23,000		11.9%

AGENDA ITEM SUMMARY

Meeting Date:	12/02/2024
Meeting Type:	Regular Meeting
Staff Contact/Dept:	Niel Laudati/City Manager's Office
Staff Phone No:	
Estimated Time:	5 Minutes
Council Goals:	Community and Economic Development and Revitalization

**S P R I N G F I E L D
C I T Y C O U N C I L**

ITEM TITLE:

Lease Review and Decision- 325 N Brooklyn Street

ACTION REQUESTED:

Authorize/not authorize the City Manager to enter into a lease agreement with tenant at 325 N Brooklyn Street for a one-year term at \$3,000 per month.

ISSUE STATEMENT:

The City of Springfield purchased tax lot 17-03-34-41-00800 in 2016 for the future proposed Glenwood Master Plan Area, and the City and tenant at 325 N Brooklyn Street have been without a formal, written lease since the property's acquisition.

DISCUSSION/FINANCIAL IMPACT:

The facility at 325 N. Brooklyn Street, informally known as the Brombaugh building, measures 7,992 square feet, was built in 1979, and is uniquely positioned on the Willamette River (ATT 1). The City purchased this property in 2016 in anticipation of future development in Glenwood. The facility serves as a woodworking shop and currently houses a mixture of businesses and craftspeople. Woodworking equipment is installed as a part of the building and shared between building users. The facility is managed by an individual, Michael DeHaven, who serves as the point of contact for the facility. A verbal agreement for rent paid and maintenance has kept the building operational since the City's acquisition.

The draft lease agreement for the Brombaugh building (ATT 2) was prepared using Council Resolution 2022-14 for leasing property at Booth Kelly as a guide. Lease terms and structure were discussed with the City's property management company, Campbell Commercial Real Estate. An agreement with Mr. DeHaven was selected over individual agreements with building users for its expediency and due to the shared nature of the building's equipment and spaces.

The proposed term is one year, after which the agreement is proposed to transition to month to month. Because the Glenwood redevelopment project land use phase is expected to be 18--24 months, there is time to provide one year of certainty for the building users. The verbal agreement for rent requires a \$1,500 per month payment. The new rate, \$3,000 per month, was established by starting with the previous informal agreement of \$1,500 per month plus the ability to pay back ten months of delinquent rent across 2020 and 2022. Campbell Commercial has confirmed with the tenant that these terms would be suitable if approved.

The agreement includes provisions for the sublessees of the space such as a maximum on what can be collected by the leaseholder from sublessees, and written agreements with sublessees to provide structure and certainty.

By entering into a lease agreement, the City and the tenant will define liability and insurance requirements, clearly outline maintenance responsibilities both inside and outside of the building, and increase certainty for the City and the building users.

Attachments

1. Vicinity Map
2. C3755 Proposed Lease Agreement

COMMERCIAL LEASE AGREEMENT
Contract #3755

Date: October 1, 2024

Between: City of Springfield ("Landlord")
A Municipal Corporation of the State of Oregon
225 Fifth Street
Springfield, OR 97477

And: Michael DeHaven ("Tenant")
325 N. Brooklyn
Springfield, OR 97477
Phone: 541-514-2673

Landlord leases to Tenant and Tenant leases from Landlord the following described property (the "Premises") on the terms and conditions stated below:

Entire building and tax lot for The Brombaugh Building, 325 N. Brooklyn, Springfield, Oregon 97477.

Section 1. Occupancy

1.1 Original Term. The original term of this lease shall commence October 1, 2024, and continue through September 30, 2025, unless sooner terminated or extended as set forth in this Lease Agreement.

1.2 Possession. Tenant's right to possession and obligations under the lease shall commence on October 1, 2024.

1.3 Renewal. This lease will automatically renew on a month-to-month basis upon the same terms and conditions provided herein, except that rent may be adjusted to Fair Market Rent, with 30 days' notice provided by the Landlord. During the renewal term, this lease may be terminated by either party without cause based upon 30 days written notice.

Section 2. Rent

2.1 Base Rent. During the original term, Tenant shall pay to Landlord base rent in the amount of \$36,000 per year. Rent shall be paid in monthly installments of \$3,000 per month commencing on October 1, 2024, and continuing on the first day of each month thereafter during the term of this Lease. Rent for any partial calendar month will be prorated based on a thirty (30) day month for the number of days during that partial month the premises are occupied by Tenant.

2.2 Security Deposit. To secure Tenant's compliance with all terms of this lease, Tenant shall pay Landlord the sum of \$3,000 as a deposit. The deposit shall be a debt from Landlord to Tenant, refundable within THIRTY (30) days following expiration of the lease term or other termination not caused by Tenant's default. Landlord shall have the right to offset against the deposit any sums owing from Tenant to Landlord and not paid when due, any damages caused by Tenant's default, the cost of curing any default by Tenant should Landlord elect to do so, and the cost of performing any repair or cleanup that is Tenant's responsibility under this lease or any damage to premises caused by Tenants conduct. Offset against the deposit shall not be an exclusive remedy in any of the above cases, but may be invoked by Landlord, as its option, in addition to any other remedy provided by law or this lease for Tenant's nonperformance. Landlord shall give notice to Tenant each time an offset is claimed against the deposit, and, unless the lease is terminated, Tenant shall within TEN (10) days following such notice deposit with Landlord a sum equal to the amount of the offset so that the total deposit amount, net of offset, shall remain constant throughout the lease term.

Section 3. Use of the Premises

3.1 Permitted Use. The Tenant shall use and occupy the Premises continuously during the term of the lease. The premises shall be used for a woodworking cooperative and for no other purpose without the consent of Landlord, which consent is in Landlord's sole discretion.

There will be no storage of Tenant's merchandise, inventory, equipment or other materials outside the leased premises. Other than the leased premises, no other areas of the property or parking area and grounds shall be utilized for storage by Tenant.

3.2 Restrictions on Use. In connection with the use of the Premises, Tenant shall:

(a) Conform to all applicable laws and regulations of any public authority affecting the premises and the use, and correct at Tenant's own expense any failure of compliance created through Tenant's fault or by reason of Tenant's use, but Tenant shall not be required to make any structural changes to effect such compliance unless such changes are required because of Tenant's specific use.

(b) Refrain from any activity that would make it impossible to insure the Premises against casualty, would increase the insurance rate, or would prevent Landlord from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successor, allowing Landlord to obtain reduced premium rates for long-term fire insurance policies, unless Tenant pays the additional cost of the insurance.

(c) Refrain from any use that would be reasonably offensive to other tenants or owners or users of neighboring premises or that would tend to create a nuisance or damage the reputation of the premises.

(d) Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect selected by Landlord.

(e) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other device to the exterior or interior walls, windows, or roof of the premises without the prior written consent of Landlord.

(f) Tenant shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises. Tenant may use or otherwise handle on the Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of the business specified in Section 3.1. Tenant may store such Hazardous Substances on the Premises only in quantities necessary to satisfy Tenant's reasonably anticipated needs. Tenant shall comply with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances and shall take all practicable measures to minimize the quantity and toxicity of Hazardous Substances used, handled, or stored on the Premises. Upon the expiration or termination of this Lease, Tenant shall remove all Hazardous Substances from the Premises. The term Environmental Law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environment. The term Hazardous Substance shall mean any hazardous, toxic, infectious or radioactive substance, waste, and material as defined or listed by any Environmental Law and shall include, without limitation, petroleum oil and its fractions.

(g) Tenant shall promptly take any and all actions, at its sole cost and expense, as are necessary or appropriate to return the Premises or other private or public facilities where Lessee Contamination is present to the condition existing prior to the introduction of the Lessee Contamination; provided that Landlord's approval of such actions shall first be obtained, which approval shall not be unreasonably withheld if such actions would not potentially have any material adverse effect on the Premises or other private or public facilities. All contractors, laboratories and engineering firms (hereinafter "Consultants") chosen by Tenant to undertake any remedial action that may be necessary or appropriate on or about the Premises or other private or public facilities to remediate Lessee Contamination shall be approved by Landlord prior to their employment by Tenant, which approval will not be unreasonably withheld. Consultants shall be licensed and bonded in accordance with all applicable laws. Duplicate copies of all reports and findings made by Consultants with regard to the condition of the Premises or other private or public facilities shall be delivered to Landlord concurrently with their delivery to Tenant. Tenant shall have the work done by the Consultants at Tenant's sole expense and shall indemnify and hold Landlord and Landlord's agents and

employees harmless from and against any and all loss, costs, liability, damage and expense relating to or arising from any damage or injury to Tenant, the Consultants, or the agents of either of them, and for any liability to any third party incurred by any of them, and for any claim by any third party against Landlord, or Landlord's agents or employees by reason of any such work conducted by Consultants

(h) As used herein, the term "Hazardous Substances" means any hazardous, toxic, infectious or radioactive substance, material or waste that has been previously regulated during the previous tenancy of Tenant or is or becomes regulated during the term of this lease by any Environmental Law (as defined in Section 3.2(6) above) or any local governmental authority, the State of Oregon, or the United States Government for the purpose of protecting human health or the environment. The term "Hazardous Substances" includes, without limitation, petroleum oil and its fractions and any material or substance which is designated as a hazardous substance pursuant to the Water Pollution Control Act (33 USC Section 1317); or defined as hazardous waste pursuant to the Resource Conservation and Recovery Act (42 USC Section 6901 et seq.); or defined as a hazardous substance pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 USC Section 9601 et seq.); or defined as a hazardous material pursuant to the provisions of the Springfield Fire Code, as adopted by the City or County in which the subject property is located, as amended from time to time.

Section 4. Repairs and Maintenance

4.1 Landlord's Obligations. The following shall be the responsibility of Landlord:

(a) Repairs and maintenance of the roof and gutters, bearing walls, structural members, floor slabs, and foundation.

(b) Repair and maintenance of exterior water, sewage, gas, and electrical services up to the point of entry to the leased Premises.

4.2 Tenant's Obligations. The following shall be the responsibility of Tenant:

(a) Repair of interior and exterior walls, ceilings, doors, windows, and related hardware, light fixtures, plumbing fixtures, switches, and wiring and plumbing from the point of entry to the Premises.

(b) Any repairs necessitated by the negligence of Tenant, its agents, employees, and invitees, including repairs that would otherwise be the responsibility of Landlord.

(c) Ordinary maintenance of the heating system and any repairs necessary.

(d) Any repairs or alterations required under Tenant's obligation to comply with laws and regulations as set forth in Section 3.2(a).

(e) Repair of leased parking area including paving, striping and fencing.

(f) All other repairs to the premises which Landlord is not required to make under Section 4.1.

4.3 Landlord's Interference with Tenant. In performing any repairs, replacements, alterations, or other work performed on or around the Premises, Landlord shall not cause unreasonable interference with use of the Premises by Tenant. Tenant shall have no right to an abatement of rent nor any claim against Landlord for any inconvenience or disturbance resulting from Landlord's activities performed in conformance with the requirement of this provision.

4.4 Reimbursement for Repairs Assumed. If either party fails or refuses to make repairs that are required by this Section, the other party may make the repairs and charge the actual costs of repairs to the first party. Such expenditures by Landlord shall be reimbursed by Tenant on demand together with interest at the rate of 12% per annum from the date of expenditure by Landlord. Such expenditures by Tenant may be deducted from rent and other payments subsequently becoming due or, at Tenant's election, collected directly from Landlord. Except in an emergency creating an immediate risk of personal injury or property damage, neither party may perform repairs which are the obligation of the other party and charge the other party for the resulting expense unless at least 15 business days before work is commenced, the defaulting party is given notice in writing outlining with reasonable particularity the repairs required, and such party fails within that time to initiate such repairs in good faith.

4.5 Inspection of Premises. Landlord shall have the right to inspect the Premises at any reasonable time or times to determine the necessity of repair. Whether or not such inspection is made, the duty of Landlord to make repairs shall not mature until a reasonable time after Landlord has received from Tenant written notice of the repairs that are required.

Section 5. Alterations

5.1 Alterations Prohibited. Tenant shall make no improvements or alterations on the Premises of any kind without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld. All alterations shall be made in a good and workmanlike manner, and in compliance with applicable laws and building codes.

5.2 Ownership and Removal of Alterations. All improvements and alterations performed on the Premises by either Landlord or Tenant shall be the property of Landlord when installed unless the applicable Landlord's consent or work sheet specifically provides otherwise. Improvements and alterations installed by Tenant shall,

at Landlord's option, be removed by Tenant and the premises restored unless the applicable Landlord's consent or work sheet specifically provides otherwise.

Section 6. Fire Insurance

6.1 Fire Insurance. Landlord shall keep the Premises insured on a standard all risks of loss insurance policy including, at Landlord's option, earthquake and flood coverage. Tenant may carry, and shall bear the expense of, any similar insurance insuring the personal property of Tenant and Tenant improvements on the Premises. Tenant shall purchase business interruption insurance in an amount sufficient to pay for one year's rent.

6.2 Waiver of Subrogation. Neither the Landlord nor the Tenant shall be liable to the other for loss arising out of damage to or destruction of the Premises, or the building or improvements of which the Premises are a part or with which they are connected, or the contents of any thereof, when such loss is caused by any of the perils which are or could be included within or insured against by a standard all risk property insurance policy. All such claims for any and all loss, however caused, hereby are waived. Such absence of liability shall exist whether or not the damage or destruction is caused by the negligence of either Landlord or Tenant or by any of their respective agents, servants, officials, or employees. It is the intention and agreement that the Landlord and the Tenant shall provide their own property insurance and that both parties shall look to their respective insurance carriers for reimbursement for any such loss, and further, that the insurance carriers involved shall not be entitled to subrogation under any circumstances against any party to this lease. Neither the Landlord nor the Tenant shall have any interest or claim in the other's insurance policy or policies, or the proceeds thereof, unless specifically covered therein as a joint insured.

Section 7. Taxes; Utilities

7.1 Property Taxes. Tenant shall pay as due all taxes on its personal property located on the Premises.

7.2 Special Assessments. If an assessment for a public improvement is made against the Premises, Landlord may elect to cause such assessment to be paid in installments, in which case all of the installments payable with respect to the lease term shall be treated the same as general real property taxes as set forth in Section 7.1.

7.3 Contest of Taxes. Tenant shall be permitted to contest the amount of any tax or assessment as long as such contest is conducted in a manner that does not cause any risk that Landlord's interest in the Premises will be foreclosed for nonpayment.

7.4 Proration of Taxes. Tenant's share of real property taxes and assessments for the years in which this lease commences or terminates shall be prorated based on the portion of the tax year that this lease is in effect.

7.5 New Charges or Fees. If a new charge or fee relating to the ownership or use of the Premises or the receipt of rental therefrom or in lieu of property taxes is assessed or imposed, then, to the extent permitted by law, Tenant shall pay such charge or fee. Tenant, however, shall have no obligation to pay any income, profits, or franchise tax levied on the net income derived by Landlord from this lease.

7.6 Payment of Utilities Charges. Tenant shall pay when due all charges for services and utilities incurred in connection with the use, occupancy, operation, and maintenance of the Premises, including (but not limited to) charges for fuel, water, gas, electricity, sewage disposal, power, refrigeration, air conditioning, telephone, and janitorial services. If any utility services are provided by or through Landlord, charges to Tenant shall be comparable with prevailing rates for comparable services. If the charges are not separately metered or stated, Landlord shall apportion the charges on an equitable basis, and Tenant shall pay its apportioned share on demand.

Section 8. Damage and Destruction

8.1 Partial Damage. If the Premises are partly damaged and Section 8.2 does not apply, the Premises shall be repaired by Landlord at Landlord's expense. Repairs shall be accomplished with all reasonable dispatch subject to interruptions and delays from labor disputes and matters beyond the control of Landlord and shall be performed in accordance with the provisions of Section 4.

8.2 Destruction. If the Premises are destroyed or damaged such that the cost of repair exceeds 25% of the value of the structure before the damage, either party may elect to terminate the lease as of the date of the damage or destruction by notice given to the other in writing not more than 45 days following the date of damage. In such event all rights and obligations of the parties shall cease as of the date of termination, and Tenant shall be entitled to the reimbursement of any prepaid amounts paid by Tenant and attributable to the anticipated term. If neither party elects to terminate, Landlord shall proceed to restore the Premises to substantially the same form as prior to the damage or destruction. Work shall be commenced as soon as reasonably possible and thereafter shall proceed without interruption except for work stoppages on account of labor disputes and matters beyond Landlord's reasonable control.

8.3 Rent Abatement. Rent shall be abated during the repair of any damage to the extent the premises are untenantable, except that there shall be no rent abatement where the damage occurred as the result of the fault of Tenant.

Section 9. Eminent Domain

9.1 Partial Taking. If a portion of the Premises is condemned and Section 9.2 does not apply, the lease shall continue on the following terms:

(a) Landlord shall be entitled to all of the proceeds of condemnation, and Tenant shall have no claim against Landlord as a result of the condemnation.

(b) Landlord shall proceed as soon as reasonably possible to make such repairs and alterations to the Premises as are necessary to restore the remaining Premises to a condition as comparable as reasonably practicable to that existing at the time of the condemnation.

(c) After the date on which title vests in the condemning authority or an earlier date on which alterations or repairs are commenced by Landlord to restore the balance of the Premises in anticipation of taking, the rent shall be reduced in proportion to the reduction in value of the Premises as an economic unit on account of the partial taking.

9.2 Total Taking. If a condemning authority takes all of the Premises or a portion sufficient to render the remaining premises reasonably unsuitable for the use that Tenant was then making of the premises, the lease shall terminate as of the date the title vests in the condemning authorities. Landlord shall be entitled to all of the proceeds of condemnation, and Tenant shall have no claim against Landlord as a result of the condemnation.

9.3 City Eminent Domain. Nothing in this Lease shall preclude the City of Springfield from exercising its power of eminent domain to acquire the interest of Tenant in this Lease.

Section 10. Liability and Indemnity

10.1 Liens. Except with respect to activities for which Landlord is responsible, Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If Tenant fails to pay any such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.

10.2 Indemnification. Tenant shall defend, indemnify and hold harmless Landlord from any claim, loss, or liability arising out of or related to any activity of Tenant on the Premises or any condition of the Premises in the possession or under the control of Tenant. Landlord shall have no liability to Tenant for any injury, loss, or damage

caused by third parties, or by any condition of the Premises except to the extent caused by Landlord's negligence or breach of duty under this lease.

10.3 Liability Insurance. Before taking possession of the Premises, Tenant shall procure and thereafter during the term of the lease shall continue to carry the following insurance, whose A.M. Best rating is A- or better, at Tenant's cost: Commercial General Liability Insurance (occurrence version) in a responsible company, with limits of not less than \$2,000,000 per single claimant per occurrence and \$3,000,000 in the aggregate. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the Premises, and shall name Landlord as an additional insured. A Certificate evidencing such insurance and bearing endorsement requiring 30 days written notice to Landlord prior to any material change or cancellation shall be furnished to Landlord prior to Tenant's occupancy of the Premises. Landlord's liability insurance shall be excess of and not contributing with Tenant's liability coverage. Tenant understands that Landlord is a public entity subject to the requirements of the Oregon Governmental Tort Claims Act, ORS 30.260 et seq. In the event that Landlord's financial obligations or liabilities are modified by any amendment to the liability limits imposed by the Oregon Governmental Tort Claims Act, Tenant agrees that the limits regarding liability insurance set forth in this Section 10.3 will be modified to conform to such limits. Tenant and Landlord shall sign an amendment to this lease incorporating such modification. All limits required by this Section 10.3 may be satisfied by a combination of Comprehensive General Liability and Excess Liability policies.

Section 11. Assignment and Subletting

11.1 No Assignment. No part of the Premises may be assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of Landlord. This provision shall apply to all transfers by operation of law. If Tenant is a corporation or partnership, this provision shall apply to any transfer of a majority voting interest in stock or partnership interest of Tenant. No consent in one instance shall prevent the provision from applying to a subsequent instance. Landlord shall consent to a transaction covered by this provision when withholding such consent would be unreasonable in the circumstances. Tenant shall not charge rent for a sublease in excess of their current base rent, at the time of this lease.

Section 12. Default

The following shall be events of default:

12.1 Default in Rent. Failure of Tenant to pay any rent or other charge within 10 days after it is due. If Tenant defaults in the payment of rent due and payable by Tenant

and such default continues for 10 days after Landlord has given Tenant notice specifying the same; provided, however, during any 12 month period, Tenant shall be entitled to only 2 notices as set forth in this section and any subsequent failure to pay rent when due and payable shall be a default without requirement of notice.

12.2 Default in Other Covenants. Failure of Tenant to comply with any term or condition or fulfill any obligation of the lease (other than the payment of rent or other charges) within 20 days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the 20-day period, this provision shall be complied with if Tenant begins correction of the default within the 20-day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.

12.3 Insolvency. Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; an adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of any involuntary petition of bankruptcy and failure of Tenant to secure a dismissal of the petition within 30 days after filing; attachment of or the levying of execution on the leasehold interest and failure of Tenant to secure discharge of the attachment or release of the levy of execution within 10 days shall constitute a default. If Tenant consists of two or more individuals or business entities, the events of default specified in this Section shall apply to each individual unless within 10 days after an event of default occurs, the remaining individuals produce evidence satisfactory to Landlord that they have unconditionally acquired the interest of the one causing the default.

Section 13. Remedies on Default

13.1 Termination. In the event of a default the lease may be terminated at the option of Landlord by written notice to Tenant. Whether or not the lease is terminated by the election of Landlord or otherwise, Landlord shall be entitled to recover damages from Tenant for the default, and Landlord may reenter, take possession of the premises, and remove any persons or property by legal action or by self-help with the use of reasonable force and without liability for damages and without having accepted a surrender.

13.2 Reletting. Following reentry or abandonment, Landlord may relet the Premises and in that connection may make any suitable alterations or refurbish the Premises, or both, or change the character or use of the Premises, but Landlord shall not be required to relet for any use or purpose other than that specified in the lease or which Landlord may reasonably consider injurious to the Premises, or to any tenant that Landlord may reasonably consider objectionable. Landlord may relet all or part of the Premises, alone or in conjunction with other properties, for a term longer or shorter than the term of

this lease, upon any reasonable terms and conditions, including the granting of some rent-free occupancy or other rent concession.

13.3 Damages. In the event of termination or retaking of possession following default, Landlord shall be entitled to recover immediately, without waiting until the due date of any future rent or until the date fixed for expiration of the lease term, the following amounts as damages:

(a) The loss of rental from the date of default until a new tenant is, or with the exercise of reasonable efforts could have been, secured and paying out.

(b) The reasonable costs of reentry and reletting including without limitation the cost of any cleanup, refurbishing, removal of Tenant's property and fixtures, costs incurred under Section 13.5, or any other expense occasioned by Tenant's default including but not limited to, any remodeling or repair costs, attorney fees, court costs, broker commissions, and advertising costs.

(c) Any excess of the value of the rent and all of Tenant's other obligations under this lease over the reasonable expected return from the premises for the period commencing on the earlier of the date of trial or the date the premises are relet, and continuing through the end of the term. The present value of future amounts will be computed using a discount rate equal to the prime loan rate of major Oregon banks in effect on the date of trial.

13.4 Right to Sue More than Once. Landlord may sue periodically to recover damages during the period corresponding to the remainder of the lease term, and no action for damages shall bar a later action for damages subsequently accruing.

13.5 Landlord's Right to Cure Defaults. If Tenant fails to perform any obligation under this lease, Landlord shall have the option to do so after 30 days' written notice to Tenant. All of Landlord's expenditures to correct the default shall be reimbursed by Tenant on demand with interest at the rate of twelve percent (12%) per annum from the date of expenditure by Landlord. Such action by Landlord shall not waive any other remedies available to Landlord because of the default.

13.6 Remedies Cumulative. The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord under applicable law.

Section 14. Surrender at Expiration

14.1 Condition of Premises. Upon expiration of the lease term or earlier termination on account of default, Tenant shall deliver all keys to Landlord and surrender the Premises in first- class condition and broom clean. Alterations constructed by Tenant with permission from Landlord shall not be removed or restored to the original condition

unless the terms of permission for the alteration so require. Depreciation and wear from ordinary use for the purpose for which Tenant is responsible shall be completed to the latest practical date prior to such surrender. Tenant's obligations under this section shall be subordinate to the provisions of Section 8 relating to destruction.

14.2 Fixtures. All fixtures placed upon the Premises during the term, other than Tenant's trade fixtures, shall, at Landlord's option, become the property of Landlord. If Landlord so elects, Tenant shall remove any or all fixtures that would otherwise remain the property of Landlord, and shall repair any physical damage resulting from the removal. If Tenant fails to remove such fixtures, Landlord may do so and charge the cost to Tenant with interest at the legal rate from the date of expenditure.

(a) Prior to expiration or other termination of the lease term Tenant shall remove all furnishings, furniture, and trade fixtures that remain its property. If Tenant fails to do so, this shall be an abandonment of the property, and Landlord may retain the property and all rights of Tenant with respect to it shall cease or, by notice in writing given to Tenant within 20 days after removal was required, Landlord may elect to hold Tenant to its obligation of removal. If Landlord elects to require Tenant to remove, Landlord may effect a removal and place the property in public storage for Tenant's account. Tenant shall be liable to Landlord for the cost of removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by Landlord.

14.3 Holdover. If Tenant does not vacate the Premises at the time required, Landlord shall have the option to treat Tenant as a tenant from month to month, subject to all of the provisions of this lease except the provisions for term and renewal, or to eject Tenant from the Premises and recover damages caused by wrongful holdover. Failure of Tenant to remove fixtures, furniture, furnishings, or trade fixtures that Tenant is required to remove under this lease shall constitute a failure to vacate to which this section shall apply if the property not removed will substantially interfere with occupancy of the Premises by another tenant or with occupancy by Landlord for any purpose including preparation for a new tenant.

Section 15. Miscellaneous

15.1 Nonwaiver. Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

15.2 Attorney Fees. If suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover in addition to costs such sum as the court or arbitrator may adjudge reasonable as attorney fees at arbitration, at trial, and on any appeals.

15.3 Notices. Any notice required or permitted under this lease shall be given when actually delivered or 48 hours after deposited in United States mail as certified mail to the following address, or to such other address as specified by that party in writing:

To Landlord: City Manager's Office
City of Springfield
225 Fifth Street
Springfield, OR 97477
Phone: 541.726.3700

To Tenant: Michael DeHaven
325 N. Brooklyn
Springfield, OR 97477
Phone: 541-514-2673
Email: solsburyhill921@gmail.com

15.4 Succession. Subject to the above-stated limitations on transfer of Tenant's interest, this lease shall be binding on and inure to the benefit of the parties and their respective successors and assigns.

15.5 Recordation. This lease, or any memorandum thereof, shall not be recorded without the prior express written consent of Landlord.

15.6 Entry for Inspection. Landlord shall have the right to enter upon the Premises at any time to determine Tenant's compliance with this lease, to make necessary repairs to the building or to the Premises, or to show the Premises to any prospective tenant or purchaser, and in addition shall have the right, at any time during the last two months of the term of this lease, to place and maintain upon the Premises notices for leasing or selling of the Premises.

15.7 Interest on Rent/Late Payment and Other Charges. Any rent or other payment required of Tenant by this lease shall, if not paid within 10 days after it is due, bear interest at the rate of 12% per annum from the due date until paid. In addition, if Tenant fails to make any rent or other payment required by this lease to be paid to Landlord within ten days after it is due, Landlord may elect to impose a late charge of five cents per dollar of the overdue payment to reimburse Landlord for the costs of collecting the overdue payment. Tenant shall pay the late charge upon demand by Landlord. Landlord may levy and collect a late charge in addition to all other remedies available for Tenant's default, and collection of a late charge shall not waive the breach caused by the late payment.

15.8 Time of Essence. Time is of the essence of the performance of each of Tenant's obligations under this lease.

15.9 Oregon Law. This agreement is subject to, and shall be interpreted in accordance with, the laws of the State of Oregon.

15.10 Assignment/Sublet. This Lease will not be assigned, subleased, or otherwise transferred except with the consent of Landlord, which consent may be granted or denied in Landlord's sole discretion. Any transfer of an ownership interest in Tenant of fifty percent (50%) or more will be deemed an assignment subject to this Section 15.10. This Lease may be assigned by Landlord without the consent of Tenant.

15.11 Soil/Waste. Tenant will not store, treat, deposit, place, or dispose of treated or contaminated soil, industry by-products, or any other form of waste on the Property or Premises, without the prior written consent of Landlord, which consent may be granted or denied in Landlord's sole discretion.

15.12 Landlord Consent or Action. In the event this Lease is silent on the standard for any consent, approval, determination, or similar discretionary action, the standard is the sole discretion of Landlord, rather than any standard of implied good faith or reasonableness. If Tenant requests Landlord's consent or approval under any provision of the Lease and Landlord fails or refused to give the consent or approval, Tenant will not be entitled to any damages as a result of the failure or refusal, whether or not unreasonable. In the event Landlord has expressly agreed, in writing, not to act unreasonably in withholding its consent or may not unreasonably withhold its consent as a matter of law, and Landlord has, in fact, acted unreasonably in either of those instances, Tenant's sole remedy will be an action for specific performance or injunction. Whenever consent, approval, or direction by Landlord is required under the terms contained herein, all such consent, approval, or direction must be received, in writing, from the Property Management Coordinator of Landlord.

15.13 Subordination. This Lease is subordinate to any ground lease, mortgage, deed of trust, or other hypothecation or security device (collectively, "Security Device"), now or hereafter placed on the Property, to any and all advances made on the security thereof, and to all renewals, modifications, and extensions thereof. Tenant agrees that the holders of any Security Devices (in this Lease together referred to as "Lender") have no liability or obligation to perform any of the obligations of Landlord under this Lease. Tenant consents to any and all future mortgages or encumbrances which Landlord may place on the premises.

15.14 Signage. Subject to the consent of Landlord, Tenant will be permitted to install signage that is in compliance with local sign ordinances.

IN WITNESS WHEREOF, the parties have executed this Commercial Lease Agreement to be effective the date first set forth above.

Landlord:
CITY OF SPRINGFIELD

Tenant:
Michael DeHaven

By: Nancy Newton, City Manager

By: Michael DeHaven

**REVIEWED & APPROVED
AS TO FORM**

James A. Chaney

DATE: 10/30/2024

OFFICE OF CITY ATTORNEY